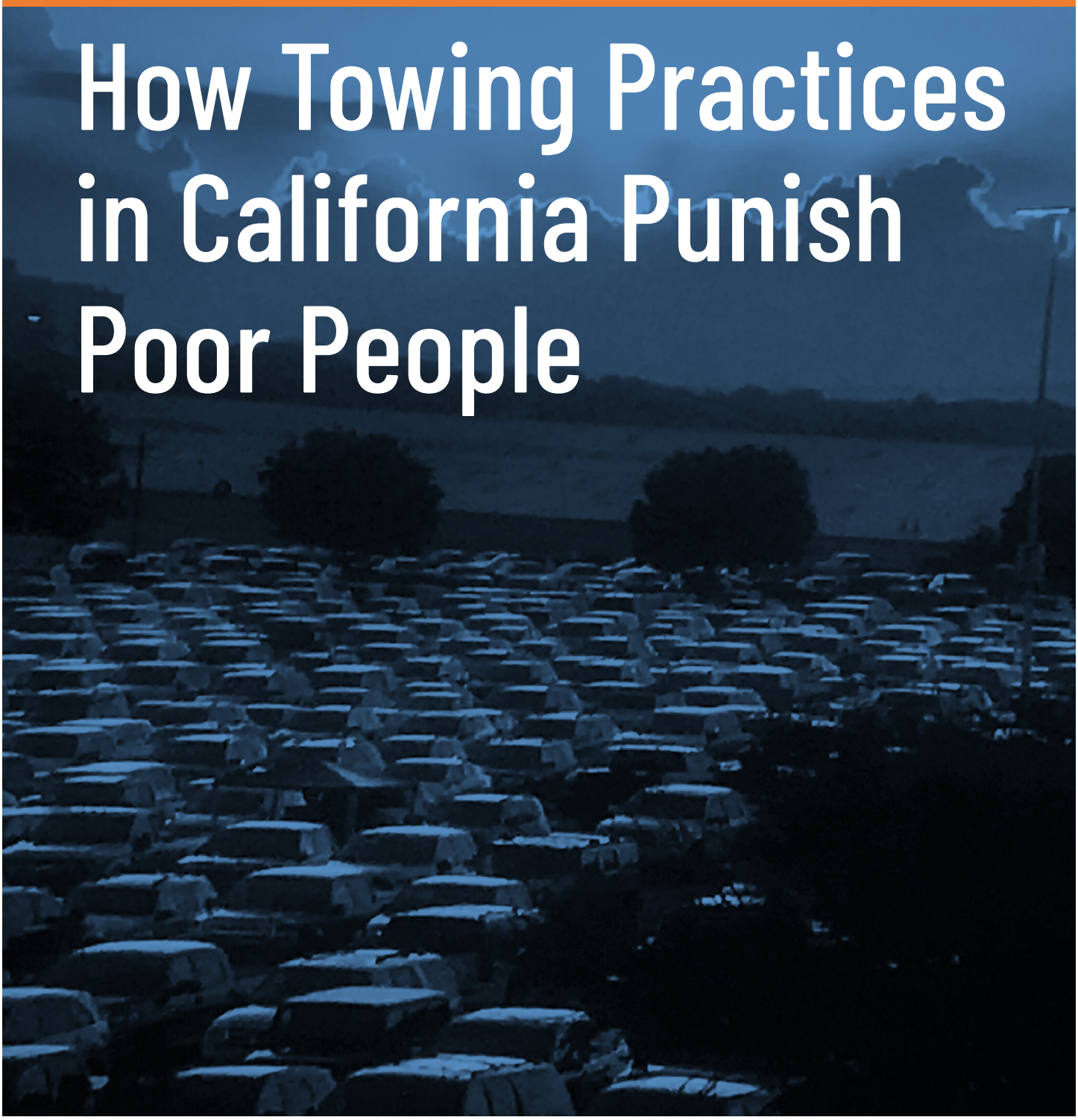
TOWED INTO DEBT:

How Towing Practices in California Punish Poor People



ACKNOWLEDGMENTS

CONTRIBUTORS

Public Law Center
Director of Litigation, Training, and Advocacy, Jorge Alvarado

Legal Services of Northern California
Managing Attorney, Wade Askew

Western Center on Law & Poverty
Intern, Mari Castaldi

Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Director, Elisa Della-Piana

Bay Area Legal Aid
Director of Litigation and Advocacy, Rebekah Evenson

Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Stanford Law School Civitas Fellow, Aaron Forbath

Western Center on Law & Poverty
Director of Policy Advocacy, Mike Herald

American Civil Liberties Union of California
Legislative Attorney, Maya Ingram

Public Counsel
Staff Attorney, Nisha Kashyap

Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Communications Director, Matthew Kovac

Western Center on Law & Poverty
Associate Director of Communications, Courtney McKinney

Legal Aid Foundation of Los Angeles
Attorney, Shayla Myers

Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Thurgood Marshall Fellow, Jude Pond

Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Litigation Paralegal, Gladys Rosario

East Bay Community Law Center
Staff Attorney, Miguel Soto

Western Center on Law & Poverty
Intern, Itamar Waksman

Analysis Group
Sorcha Evenhouse, Page Uriarte, Alex Enrique, Claire Yin, Deepshekhar Gupta, and Don Lee

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Central California Legal Services
Director of Litigation and Advocacy, Jesse J. Avila

Steve Bingham

Community Housing Partnership
Community Organizer, Javier Bremond

Homeless Action Center
Managing Attorney, Heather Frienkel

Bo Ericsson

East Bay Community Law Center
Staff Attorney, Brandon Greene

Bay Area Legal Aid
Staff Attorney, Rachel Haverkorn

Contra Costa County Public Defender's Office Public Defender, Robin Lipetzky

San Francisco Public Defender's Office
Legislative Policy Analyst, Donna Mandel

California Low-Income Consumer Coalition
Ted Mermin

Voices for Progress
California State Policy Manager, Evan Minton

Neighborhood Legal Services of Los Angeles County
Staff Attorney, Kevin Reyes

Neighborhood Legal Services of Los Angeles County
Staff Attorney, Lena Silver

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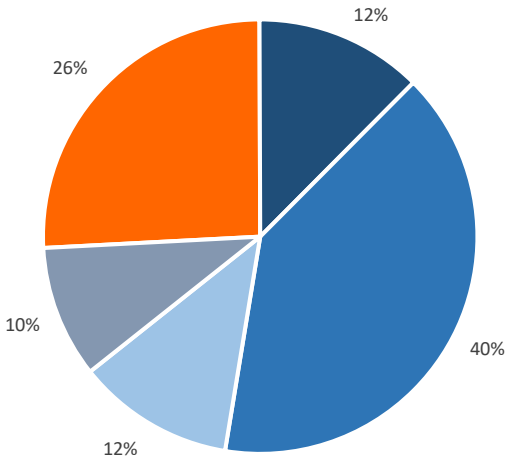
INTRODUCTION

Returning to your parking place only to find your car is missing – and has been towed by the city – is a terrible surprise in the best of circumstances. Your car will be held hostage until you make the inconvenient trip to the tow yard and pay astronomical fees to get your own car back. For people who are low income, however, the consequences of a towed vehicle can be devastating. The cost to retrieve a car after a city-ordered tow is out of reach for many. Thus, for many Californians, a vehicle tow means the permanent loss of their car and, along with it, the loss of employment, access to education and medical care, and, for some, their only shelter. Nonetheless, local governments throughout California regularly tow vehicles for relatively minor offenses: outstanding parking tickets, lapsed vehicle registration, and remaining parked in one place for more than 72 hours. Despite constitutional limits on the government's ability to seize a vehicle in these non-emergency situations, cities routinely tow legally parked cars that pose no threat to public safety. The actual and consequential costs to California are too high to allow towing to be anything other than a tool to protect the public. By these measures, California's current policies are not working.

This report reveals the current overreach of government towing in cities across California. After reviewing and analyzing data on government-ordered tows (not including private tows) new data and research show that:

- The scope of the problem is significant: in just one month in Los Angeles alone, government agencies towed 9,400 vehicles and sold 2,500 towed vehicles. In 2016, the City of San Francisco ordered more than 42,000 tows and sold more than 5,300 vehicles at lien sales. Analysts estimate that public agencies in California towed nearly one million vehicles in 2016.
- The most minor reasons for tow are some of the most common, and have the most devastating results. Statewide, over one fourth of tows are conducted just because the owner had unpaid parking tickets, lapsed registration, or parked in one place for 72 hours. Vehicles towed for these reasons are 2-6 times more likely to be sold at lien sale than the average towed car.
- In San Francisco, 50% of vehicles towed for unpaid parking tickets and 57% of vehicles towed for lapsed registration were sold by the tow company, while only 9% of all vehicles towed were sold.
- Getting a car back after a tow is expensive. As a result of all the add-on and administrative fees, the average price people must pay after a debt-collection tow is over $1,100.
- Tow fees are often unfair. Daily storage rates at California tow lots are at least twice as expensive as the daily rate at parking garages in the same part of town, and in some cases, up to twelve times higher than market rates.
- Cities are losing money on tows, especially when the reason for the tow is someone's inability to pay government fines and fees. Towed vehicles sold at lien sale in San Diego generally accrue over $3,000 in fees and fines, but the average sale price for these vehicles is about $565.

ESTIMATED GOVERMENT-ORDERED TOWS STATEWIDE BY REASON FOR TOW (2017)



Estimated based on weighted analysis of eight California cities. See Appendix.

After the demonstrations in Ferguson, Missouri, in 2015, courts, opinion-makers, and politicians are increasingly listening to what advocates and organizers have been saying for a long time. When governments target people of color and low-income people for minor violations, when they fund their programs by charging unreasonable fines and fees for these minor violations, and when they punish people because they can't afford to pay, it is unconstitutional, unfair, and ultimately, counterproductive. Towing has become part of this nationwide problem: cities are taking cars as a means of municipal debt collection, causing economic devastation over a few parking tickets.

There are numerous ways in which California towing policy could be improved, to better hew to the principle that government should only take private property from its constituents when it is necessary for public safety. This report provides an overview of reasons for municipal tows in California, how the current towing system works (and doesn't), and the cost of municipal towing to local governments and to Californians who lose their vehicles. After reviewing data from cities and counties across the state, and interviewing hundreds of clients, community groups, and legal service providers, this report shows that towing fines and fees are too expensive for most Californians and that cities lose money when they tow cars that are safely parked. It then focuses on three unfair and counterproductive reasons for towing someone's car: (1) tows for unpaid parking tickets; (2) tows for unpaid or overdue registration; and (3) tows for parking longer than 72 hours in one spot.

These three types of tows are not the only way that current policies are flawed, but they are the most blatantly problematic. Of more than 30 allowable reasons for government tows in the state Vehicle Code, these "poverty tows" are three of the least serious. They do not promote public safety. They comprise a significant portion of tows statewide: approximately 26 percent based on an analysis of eight California cities. And people are most likely to lose instead of recover their vehicles when they are towed for these reasons, meaning these tows are both the costliest for taxpayers, and have the worst impact on vehicle owners.

With simple changes in policy and practice, California could make tows about public safety, and end tows that punish and disproportionately harm low-income Californians.

MARY LOVELACE

Mary Lovelace is an interior designer who relied on her vehicle to visit her clients' homes. She was laid off from her job and struggled to pay the bills. While she was out of work, she received parking tickets she couldn't pay. As a result, the city booted and then towed her car, charging over $500 in boot and tow fees. Ms. Lovelace eventually needed at least $1,800 to retrieve her car. Because she could not afford this cost, the tow yard sold her car at auction and filed a lien against her for the balance, damaging her credit. The city, after towing her car and causing severe trauma in her life, never collected any money Mary owed from the tickets. Without a vehicle, it became impossible to find a new job as an interior designer, and Ms. Lovelace found her options restricted. She declared bankruptcy, remains unemployed and is still without a car needed to do her job.

MIGUEL

Miguel is 74 years old, uses a walker, and relies on his partner to care for him. Together, they live on Miguel's monthly benefits of $910. In 2018, they were evicted from their apartment and began living in Miguel's vehicle. The vehicle registration on Miguel's car lapsed after he was unable to pay the fines from traffic tickets, and the County of Los Angeles placed a hold on the vehicle. While Miguel was at a medical appointment, his car was towed from the county hospital's parking lot. When he could not pay the cost of the parking tickets, registration, towing and storage fees, the vehicle was sold at auction, and he received a $1,674 deficiency bill from the towing company. With the help of a county social worker, Miguel and his wife got temporary housing. But, without his car, he has no way to get to his medical appointments or look for permanent housing.

Mary Lovelace and Miguel's stories are typical of what happens to tens of thousands of low-income Californians every year. They lose the car that they depend on solely because they cannot afford to pay for the high cost of towing related to parking tickets, DMV registration, or simply because they left their car parked on a street for too long. In an attempt to get people to comply with minor traffic laws, California imposes draconian punishments that far exceed the offense. Worse yet, the punishment is ineffective as a debt collection tool and leads to outcomes for all parties that are unproductive and avoidable. We can do better.

PART ONE: TOWS AND LIEN SALES IN CALIFORNIA

I. TOWING IS TOO EXPENSIVE FOR CALIFORNIANS

Middle-class and low-income vehicle owners suffer devastating economic consequences when their cars are towed and impounded. Cities and counties across California typically require vehicle owners to pay about $500 to retrieve a car from a tow yard. If the car was impounded because of unpaid parking tickets or expired registration, the vehicle owner must pay the tickets or registration fees before retrieving the car, which can **substantially increase** the total cost. All these fees and fines along with the daily storage fees from the tow company can easily balloon the cost of retrieving a car to $2,500 or more. According to a recent federal report, 46% of American adults lack the savings necessary to cover an unanticipated expense of $400 or more.[1] An unexpected impound can be one of those unanticipated expenses. Thus, for many vehicle owners, a single impound may put their car out of reach for good: they will not be able to pay to retrieve their car from the tow lot, and the car will be sold.

TABLE: AVERAGE TOWING FEES IN CALIFORNIA[2]

TYPE OF FEE	AVERAGE FEE
Tow Fee	$189
Storage Fee	$53/day
Administrative Fee[3]	$150
FEES AFTER THREE DAYS[4]	**$499**

ADDITIONAL COSTS TO RECOVER VEHICLES TOWED FOR DEBT COLLECTION[5]

CITY	AVERAGE PARKING CITATION FEE	PARKING CITATION LATE FEE	MINIMUM ADDITIONAL COST OF DEBT-COLLECTION TOW
Los Angeles	$68	$68	$680
Modesto	$33	$41	$370
Berkeley	$47.40	$80	$637

ADDITIONAL COSTS TO RECOVER VEHICLES TOWED FOR LAPSED REGISTRATION

- DMV registration fees (varies based on vehicle value)
- DMV late registration fees ($20 to $100)
- Traffic fine and fees for driving with expired registration (approximately $288)
- Civil assessment for failure to pay traffic ticket ($300 if imposed)

The fees that a vehicle owner pays to retrieve an impounded car generally fall within three categories: (1) fees associated with the tow; (2) storage fees (which increase daily); and (3) administrative fees associated with the release of the vehicle. These fees are in addition to the outstanding parking or registration fees that must be paid before retrieving the car. If a vehicle owner does not have the money to pay these ever-increasing fees within 30 days of the tow, the car can then be sold at a lien sale, often for a fraction of its value. The City of San Francisco waives

its $283.75 administrative fee and three days of storage fees for low-income drivers, but does not waive its $229 towing fee or any subsequent storage fees. The authors are unaware of any other city that waives any portion of their towing fees for low-income drivers.

A person working full time at minimum wage in California makes approximately $96 per day, before taxes.[6] This means the average cost of one tow in California is more than a week's worth of pay for many Californians.

LOS ANGELES TOWING FEES[7]

TYPE OF FEE	FEE
Towing Fee	$133
City Release Fee	$115
Storage Fee[8]	$45.65/day
Mileage Rate	$7.50/mile
MINIMUM COST AFTER THREE DAYS	**$384.95**
MINIMUM COST AFTER ONE WEEK	**$567.55**
MINIMUM COST AFTER TWO WEEKS	**$887.10**

MODESTO TOWING FEES[9]

TYPE OF FEE	FEE
Tow Fee	$225
Storage Fee	$55/day
Administrative Fee	$160
Vehicle Release Fee[10]	$120
MINIMUM COST AFTER THREE DAYS	**$670**
MINIMUM COST AFTER ONE WEEK	**$890**
MINIMUM COST AFTER TWO WEEKS	**$1,275**

SAN JOSE TOWING FEES[11]

TYPE OF FEE	FEE
Basic Towing Service Fee	$215
Towed Vehicle Impound Release Fee	$122
After Hours Gate Fee (if applicable)	$85
Storage Fee[12]	$87.50
MINIMUM COST AFTER THREE DAYS	**$599.50**
MINIMUM COST AFTER ONE WEEK	**$949.50**
MINIMUM COST AFTER TWO WEEKS	**$1,562**

Retrieving a car from a tow lot is not only too expensive for many people, but it also can be prohibitively time-consuming, requiring vehicle owners to take time off of work or school to bounce from office to office to obtain the necessary paperwork. If a car is impounded for expired registration, the vehicle owner must run through an obstacle course of bureaucracy before they can go to the tow yard to pay for the car's retrieval. First, the vehicle owner may only become aware the car was impounded after they call the police to report the car was stolen. Once they realize the car was impounded for expired registration, the vehicle owner must go to the DMV to renew their registration. *Then*, the owner often must go to a local police department or transit authority to have a "hold" removed, and *then* the owner must go to the tow yard to get their car back. Statewide, the average wait time at DMV field offices is about seventy minutes, but this can easily double in busy offices.[13] Police department tow desks that process holds are often closed on weekends, posing challenges to vehicle owners who work or attend school during the week.[14] Vehicle owners who need to resolve outstanding parking tickets before retrieving their car may face a similar challenge. The tickets may be from different cities or counties, forcing the vehicle owner to take care of each ticket at a separate location, without the use of their car.

Meanwhile, every day that the car remains impounded, storage fees accrue. Many people have reported that they have begged, borrowed, and sold belongings to raise the money to pay tow-related fees, only to take the cash to the tow yard and find their efforts futile, because the tow bill has gone up. A Los Angeles Grand Jury report found that 32% of city-towed cars stayed on the lot for at least a week.[15] In San Jose two weeks of storage fees add an additional $1,225 to the cost of the tow. The ever-increasing fees create a Sisyphean challenge for cash-strapped middle and low income families.

Nor do the fees reflect the fair market value of the storage. Tow yards charge daily storages fees that are at least double, and sometimes twelve times the daily parking rate charged by commercial lots in the same neighborhood. A survey of 17 cities across California found that tow yards charge a daily storage rate that is an average of five times more than market rate parking.[16] Overall, the high cost of tows to vehicle owners means that when municipalities order tows, they are creating significant financial burdens for their residents.

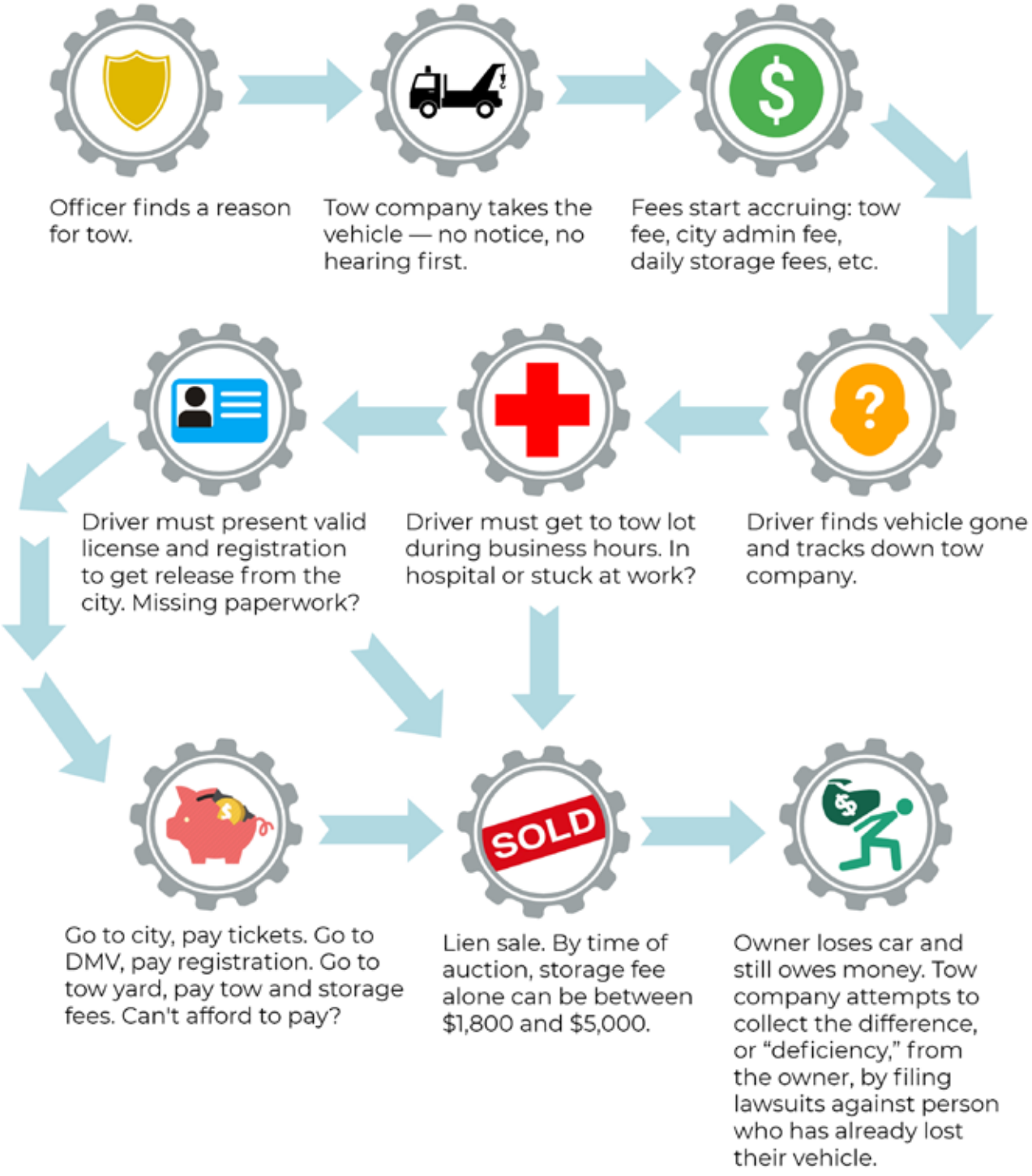
EXORBITANT STORAGE FEES

Across the state, cities and city-contracted towing companies gouge California drivers by charging storage fees that are on average five times greater than the daily rates charged at nearby parking lots. San Jose's towing providers charge the highest rate of the fifteen cities analyzed: $87.50/day. The average daily parking rate for nearby garages/lots is less than $10. In Oakland, the disparity is even more glaring. The tow company charges vehicle owners $85/day to store their impounded vehicles, but private garages nearby offer daily parking for only $7.

COMPARISON OF TOW YARD STORAGE FEES WITH OVERNIGHT PARKING RATES WITHIN 3.5 MILES

CITY	TOW-YARD DAILY STORAGE FEE	OVERNIGHT MARKET RATE PARKING	DAILY COST DIFFERENTIAL	PRICE-GOUGING RATE
Bakersfield	$50	$7	$43	7.1
Berkeley	$75	$14	$61	5.4
Chula Vista	$51	$16.50	$34.50	3.1
Fresno	$45	$7.40	$37.60	6.1
Garden Grove	$45	$11.20	$33.80	4.0
Huntington Beach	$60	$16.70	$43.30	3.6
Irvine	$43	$20	$23	2.2
Long Beach	$55	$18	$37	3.1
Los Angeles	$39	$8.50	$31	4.9
Modesto	$55	$10.40	$44.60	5.3
Oakland	$85	$7	$78	12.1
Oxnard	$40	$8	$32	5.0
Sacramento	$50	$10.40	$39.60	4.8
San Diego	$38	$11.10	$26.90	3.4
San Francisco	$58.50	$18.50	$40	3.2
San Jose	$87.50	$9.50	$78	9.2
Santa Ana	$55	$8.90	$46.10	6.2
STATEWIDE AVERAGES	**$55.87**	**$11.95**	**$42.91**	**5.2**

ANATOMY OF A POVERTY TOW


Officer finds a reason for tow.
Tow company takes the vehicle — no notice, no hearing first.
Fees start accruing: tow fee, city admin fee, daily storage fees, etc.
Driver finds vehicle gone and tracks down tow company.
Driver must get to tow lot during business hours. In hospital or stuck at work?
Driver must present valid license and registration to get release from the city. Missing paperwork?
Go to city, pay tickets. Go to DMV, pay registration. Go to tow yard, pay tow and storage fees. Can't afford to pay?
SOLD
Lien sale. By time of auction, storage fee alone can be between $1,800 and $5,000.
Owner loses car and still owes money. Tow company attempts to collect the difference, or "deficiency," from the owner, by filing lawsuits against person who has already lost their vehicle.

II. LIEN SALES ARE COSTLY AND INEFFECTIVE

FE BATLE

Lien sales often prevent people from working. Fe Batle has been homeless off and on for years, until she finally secured a spot in transitional housing. She thought that she caught her lucky break when she received a car as a donation. She immediately signed up to be a Lyft driver. Unfortunately, the car could not pass a smog test, and, therefore, she could not register the vehicle. While Ms. Batle was saving money for repairs, her car was towed because of its lapsed registration. She could not afford to get it back, and it was eventually sold at lien sale. In addition to losing her car, Ms. Batle will now have to remain on government-funded public benefits. When she first got her car, Ms. Batle felt like she had finally climbed to the top of a mountain. When she lost it, it was like rolling right back down.

Everyone loses when a government-impounded vehicle is sold at lien sale. For the owner, a lien sale means they have lost their car forever. This can lead to a cascade of negative repercussions discussed in Chapter III: lost jobs, fewer educational opportunities, and a higher risk of homelessness. But cities lose as well. By the time the car is sold, the city and towing company have already spent a considerable sum to tow it and to store it for at least thirty days. Lien sales themselves create additional costs: more paperwork, more DMV fees, and more staff hours. An analysis of thousands of vehicle tows and lien sales in multiple California cities suggests a simple conclusion: the revenue from a lien sale is unlikely to cover the cost of towing, storing, and selling a car. Vehicles towed for debt collection and lapsed registration—not for public safety—account for a disproportionate number of lien sales. Many of these losses, therefore, are unnecessary and avoidable. Cities are taking away many people's most valuable asset and, in all likelihood, *losing* money in the process.

A. THE COST OF LOCAL TOWING PROGRAMS

California law prohibits cities from charging a driver fees that are more than the actual cost of a tow.[17] Unless it violates the law, the most a city can expect with respect to tow and storage fees is to break even, and that would only be possible if every person whose vehicle was towed could afford to pay the full cost. However, evidence shows that a majority of Americans cannot afford to pay $500, which is less than the average amount required to recover a vehicle after a tow.[18]

Towing programs are expensive and resource-intensive for local governments of all sizes. The City of Garden Grove ordered approximately 6,500 vehicle tows between September 2015 and October 2018. The city estimates its personnel cost-per-tow as $326, resulting in a total expenditure of over $2.1 million during that time period. In 2017, the Los Angeles Department of Transportation and Los Angeles Police Department towed over 100,000 vehicles.[19]

San Francisco spends approximately $25 million annually on its towing program. This includes:

- **Approximately $12.8 million in fixed and variable fees paid to the city's private contractor, AutoReturn, for the management and administration of the city's tow yards.**
- **Approximately $2.7 million to lease property for its downtown tow yard and its long-term storage lot in Daly City.**
- **Approximately $9.8 million in administrative costs for SFMTA's towing program, including labor costs for towing enforcement and post-tow hearings. (The city has projected that it will spend over $5 million in fiscal year 2018 for the salaries and benefits of the SFMTA employees that implement its towing program.)**

B. COST RECOVERY AT TOW-YARD LIEN SALES

Towing companies must give 30 days' notice before selling any vehicle worth more than $500.[20] This means that tow yards usually incur the expense of 30 days of storage, plus the costs of auctioning a vehicle or selling it for parts, before a lien sale. As a result, vehicles that the owners do not, or cannot, retrieve, represent the most costly kind of tow.

GARY WELCH

Some people lose their vehicles at lien sale while hospitalized. In 2017, Gary Welch was suddenly hospitalized because of a brain hemorrhage. When he woke up in a Daly City hospital unable to leave his hospital bed, an administrator told him the city had ordered his car towed. He called the tow company to ask if they could release his car, but they refused to release it unless Gary paid $9,000 in fees. Even though Gary told them he was indigent and hospitalized, the city's tow company repeatedly harassed him with phone calls between Christmas and New Year's, demanding that he pay tow and storage fees. By the time he was released from the hospital, they had sold his car at lien sale.

In 2018, Gary was lucky to find legal assistance—legal services for tows are very limited across the state. The Lawyers' Committee for Civil Rights of the San Francisco Bay Area helped him file a claim against the city and tow company and a judge ruled that the city should not have towed and sold his car.

Nothing in state law guarantees that public agencies receive any portion of the revenue from lien sales, and the available evidence suggests that these sales impose a substantial drain on city and county budgets. While few cities track the outcome of vehicle tows, and even fewer track the results of lien sales, data from three diverse California municipalities shows that towed vehicles are usually sold for at least $2,000 *less* than the towing, storage, and lien fees that have accrued.

AVERAGE SALE PRICES AND ACCRUED FEES (SOLD CARS) IN SAN DIEGO (2016-18)

REASON FOR TOW	AVERAGE FEES DUE	AVERAGE SALE PRICE
Debt Collection	$3,271.13	$797.17
Registration	$3,184.79	$495.67
72 Hour Ordinance	$3,206.33	$487.92
Criminal Investigation	$2,865.33	$553.02
Flow of Traffic	$3,145.66	$498.02
ALL REASONS	**$3,134.65**	**$566.36**

As the table above demonstrates, the average price of a vehicle sold at lien sale in San Diego is about $560. At the point of sale, however, the owners of these cars have accrued an average of about $3,100 in towing, storage, and lien sale fees. A similar trend holds in San Francisco, where the average price for vehicles sold at lien sales is just over $700. While San Francisco does not track the exact amount of fees owed on vehicles sold at lien sale, most drivers whose car was towed, stored for thirty days, and then sold at auction would owe at least $2,600 in fees.[21]

TOWING, STORAGE, AND LIEN SALE FEES IN SAN FRANCISCO[22]

TYPE OF FEE	AMOUNT
Administrative Fee	$283.75
Towing Fee	$229.00
Transfer Charge	$32.50
Storage Fee (first 24 hours)	$50.75
Storage Fee (subsequent 29 days)($60.75/day after first 24 hours)	$1,761.75
Lien Initiation Fee[23]	$35.00
Lien Completion Fee[24]	$35.00
Auction Fee[25]	$166.50
TOTAL FEES TO BE COLLECTED AT LIEN SALE	**$2,594.25**

Therefore, in San Francisco, like San Diego, the average towed vehicle is likely sold for about $2,000 *less* than the city hopes to collect from its owner.

Cities are likely to lose money on lien sales regardless of whether and how a city contracts out its towing program. Some cities may structure their towing programs to pass the risk of loss on lien sales to contracted towing operators. But, even under these contracts, cities are unlikely to recover the resources they spend ordering and administering vehicle tows because under state law, contracted towing companies have priority to recover their tow and storage costs *before* any remaining proceeds are passed to the municipality that ordered the tow.[26] When the lien sale proceeds are insufficient to cover the towing company's costs, the municipality receives nothing.

More lien sales likely lead to higher tow fees. Indeed, some municipalities appear to have raised administrative fees to offset losses from lien sales. For example, in 2018, the City of Garden Grove increased its administrative vehicle release fee from $120 to $150 because it was recovering only a portion of its towing costs.

San Francisco's towing budget suggests a similar trend. The analysis above suggests that the city loses money – hundreds, and perhaps thousands, of dollars – with every vehicle sold at lien sale. San Francisco's analysts, however, maintain that the towing program recovers 87% of its total annual costs, meaning that it recovers about $22 million of its $25 million annual budget through fees and lien sales. In the 2017 fiscal year, the city sold more than 6,100 towed vehicles and released 33,067 towed vehicles to their owners. It seems very likely, therefore, that San Francisco made up for some of its lien sale losses by charging higher fees on the released vehicles.

Whether or not charging one vehicle owner for the cost of another person's tow is legal, it is not the only — or best — way for a city to reduce towing costs. As discussed in Chapter IV below, if cities eliminated tows for non-urgent reasons that are not related to public safety, it would disproportionately reduce the number of costly lien sales, likely saving money for both cities and vehicle owners.

III. VEHICLE TOWS HAVE A DEVASTATING IMPACT ON THE LIVES OF CALIFORNIANS

For many Californians whose vehicles are towed, the financial impact can continue long after the car is recovered, or more often for low-income people, after the car is sold to pay off the towing fees. If a person does manage to scrape together the money to get their car back, the direct cost of the tow exposes those without a financial cushion to an economic shock from which they cannot easily recover. If they don't get back their vehicle — often the most significant asset they have—this loss can be devastating. As illustrated by each of the Californians who shared their story for this report, the economic ripple effect of a tow and the resulting loss of a vehicle too often means the owner and their family lose access to employment, school, medical care, and even housing.

A. TOWING AND LIEN SALES LEAVE A DIRECT FINANCIAL IMPACT THAT DOES NOT END WHEN THE IMPOUND ENDS

California's municipal towing programs assume an upper-middle-class safety net that does not exist for most people. A single tow can immediately set a family back hundreds of dollars. If the owner cannot get the car back, the fees can pile up, day by day, until the total bill is over $2,500. This kind of unexpected expense is simply devastating for low-income Californians. A quarter of American households have difficulty saving any money in most months.[27] Forty-six percent of Americans would struggle to cover an emergency expense of $400.[28] Sixty percent of Americans experienced a large unexpected financial shock in the past calendar year, and almost half had not recovered from that shock six months later.[29]

For many facing these charges, there is no other option than to lose the vehicle to a lien sale. But as Miguel's story — detailed on page 6 — illustrates, that often does not address the direct financial impact of the tow because the proceeds from the lien sale too often do not cover the costs of the tow. When that happens, the towing company can still seek to recover the rest of the towing and storage bill. So for Miguel, even after a towing company sold his car in a lien sale, he faced a deficiency bill of $1,674. And if an individual owes money on parking tickets, that debt also does not go away when the car does. Like any consumer debt, the resulting debt from the lien sale can lead to wage garnishment and have a negative impact on a person's credit for seven years.

Continued debt after a tow can also be exacerbated by car lenders who repossess the vehicle and call in the loan, rather than have the car sold at a lien sale. This leads to new charges, in addition to the loss of the vehicle. Mr. H's car was towed for unpaid parking tickets. While it was impounded, his car lender repossessed his vehicle. The lender then sought immediate payment of the vehicle's entire loan balance, plus $3,742.50 as "the costs of repossession." The insult to Mr. H's injury has driven him further into debt.

B. VEHICLE IMPOUNDS SIGNIFICANTLY IMPACT LOW-INCOME WORKERS' ECONOMIC PROSPECTS

Beyond the direct financial impacts of towing and lien sales, the loss of a vehicle can have far-reaching economic consequences for low wage workers and their ability to earn a living. Having regular access to a vehicle is one of the biggest factors in determining who will prosper in our economic system and who will be shut out of it. One survey of California residents found that respondents identified a lack of access to reliable transportation as the second biggest immediate barrier to employment, behind reliable child care.[30] Another study indicated that car ownership plays a bigger role in getting a job than having a high school diploma.[31]

A vehicle can make it easier to find work. One study suggested that unemployed people with access to cars were more likely to find a job and leave welfare than individuals without vehicles,[32] potentially because private vehicles increase the number of jobs which a person can physically access.[33] Some jobs and even professions also require access to a vehicle, as Ms. Lovelace's story on page 6 illustrates. As an interior designer, she needed a car to transport samples and visit clients' homes. When she lost her car, she could not find a job as an interior designer again. She was shut out, not only from a job, but her entire profession.

Having a vehicle also correlates with keeping a job if a person has one already. One study found that workers with access to a car were almost twice as likely to remain employed over a full 18 to 24 months period than workers without a car, even after leaving the examined welfare program.[34] Another study examining employment rates in Fresno found that cars not only help people *become employed, but also help workers to stay employed.*[35]

Finally, access to a car not only divides those who can get a job from those who cannot, and those who can keep their job from those who will lose it, it may also impact how much someone earns at their job. In one survey of people who were given a loan for a vehicle when they were struggling financially, half of respondents increased their gross monthly income, with an average increase of 8.2 percent in wages.[36] Over one-third of respondents saw an increase in their income of over 10 percent.[37] In another study, researchers found that car ownership actually had a higher correlation with higher wages than a Latinx person's citizenship status.[38]

Having access to a car has proven to be much more useful to workers than access to public transit.[39] Despite efforts by urban planners and public transit agencies, far too few communities in our state have reliable access to a strong public transportation system. Even where there is public transportation, it is often slow and inconvenient.[40] As a result, drivers in many regions have access to a wider variety of jobs and can make themselves available for longer hours.[41]

This translates into real economic differences for car owners and those who rely on public transportation. One survey of low-income residents of Los Angeles showed that earnings rose as commuting distance increased, but those who used public transit to commute suffered a "commuting penalty."[42] In other words, drivers' earnings can be higher than those who used public transit.[43] In another study, researchers found that under some circumstances access to a car can help workers achieve a 40-hour work week, in some cases translating into nearly nine additional hours of work per week, and drivers with the same position can earn between $0.70 and $2.06 more than those who take transit in hourly wages.[44]

THE GIG ECONOMY

The recent trend in California towards the "gig economy"[45] illustrates the need for a car. More and more low-income people are relying on income from part-time, on-demand positions as either their main source of income or to supplement other low-wage earnings. This source of income offers flexibility, but it usually requires access to a reliable vehicle. From driving for Uber, Lyft, and other ride share programs, to delivering food and groceries via Caviar, Postmates, and the other delivery services proliferating in urban areas, low wage workers often rely on their vehicles for this source of income. If their car is towed, they lose access to this income stream.

Mr. H's story illustrates this. He was living at a shelter in San Francisco when his car was towed because of overdue parking tickets. He could not afford both the tickets and the additional towing charges, plus the quickly compounding storage fees and he lost his car. Since then, he has been delivering food for Caviar to get by. With no car, this means climbing the city's famous hills on foot. As a senior, this work is especially exhausting, and there is only so many deliveries he can manage every day.

C. IMPOUNDING A LOW-INCOME WORKER'S VEHICLE CAN NEGATIVELY AFFECT THEIR PUBLIC BENEFITS

When the state's towing and impound practices make it harder for people to find work, it also makes it harder for individuals to move off public assistance.[46] Those who entered welfare with both a car and a job were 41% more likely to keep their job and leave welfare in a timely manner than those who began with a job, but without a car.[47] And welfare recipients who gained access to a car after entering welfare may be up to twice as likely to get a job and leave welfare.[48]

On the other hand, losing a car not only makes it harder to transition off welfare and into employment, it can actually jeopardize an individual's access to these vital benefits. Adults in the state's CalWORKs program must work up to 30 hours a week or risk losing a portion of the grant. When a family on CalWORKS loses their car due to towing, they face the same struggles in meeting their work requirement that low wage workers face. This leaves families poorer and deepens childhood experiences of acute poverty.

D. LOSING A VEHICLE CAN NEGATIVELY AFFECT ACCESS TO EDUCATION

Losing a vehicle can also negatively impact educational and training opportunities for California children and adults. More than half of all school children in California ages 5-15 travel to school in a private vehicle.[49] In some counties like San Bernardino, Santa Clara and San Diego, that number is higher than 60%. And with the decline in neighborhood schools, more and more children live further away from schools than they did forty years ago—in 2009, more than a third of all school children in California lived more than two miles away from school.[50] But even amongst students who live within two miles of school, more than 50% arrive by private vehicle.[51] With so many families relying on private vehicles to transport their children to school, the sudden loss of a car could cause significant disruption to those children's education.

A lost car can also disrupt adults' access to education, which could help improve their economic situation. More than one quarter of low-income consumers in one survey reported that gaining a car led to educational achievement.[52] Conversely, losing a car can prevent people who are unemployed from gaining the skills necessary to compete in the workplace.

Santos Mehrara illustrates this experience. Mr. Mehrara is 36, homeless, and a disabled SSI recipient. However, he had a car, an asset that served as a lifeline that he used to commute to school. In 2017, the City of San Francisco towed Mr. Mehrara's car because he could not afford to pay for parking tickets. Mr. Mehrara managed to pay $700 to get his car back, thinking that his payment resolved the situation. Mr. Mehrara's vehicle was soon towed again. When he attempted to retrieve it, he discovered that he owed more than $2,000, an unpayable sum of money for a disabled resident on a low, fixed income. Mr. Mehrara lost his car and with it, the ability to commute to his classes.

E. LOSING A VEHICLE CAN LIMIT HOUSING OPPORTUNITIES

More and more jobs are being created in the suburbs, which effectively requires many low-income urban residents to drive a car to access those jobs.[53] Due to poor public transit options in the suburbs, many of those same jobs are also inaccessible to the suburban poor, a group which has grown three times as rapidly as the urban poor since 2000.[54] Meanwhile, the search for affordable housing is pushing the poor further and further away from job centers.[55] Today, less than half of all Americans live within a quarter mile of any sort of public transit stop.[56] Many low-income Californians without a car are thus left with the stark choice between housing they can afford and a job they can reach.

For Californians who need financial assistance to afford housing, losing their car can effectively shut them out of entire neighborhoods. For example, families who use a Section 8 voucher are less likely to successfully move to low-poverty neighborhoods if they do not have a car.[57] Section 8 recipients with a car can move to places with lower poverty.[58] These neighborhoods expose low-income families to far fewer carcinogens and other hazards,[59] as well as more work opportunities, and better schools.[60]

F. IMPACT ON INDIVIDUALS LIVING IN THEIR VEHICLES

With California in the midst of an affordable housing crisis, the same Californians most vulnerable to losing their vehicles due to their inability to pay tickets and registration fees are also those most likely to experience homelessness. As housing costs skyrocket throughout California, more individuals are turning to their vehicles to provide shelter. In Los Angeles, one third of the estimated 39,000 people who are unsheltered within the County's Continuum of Care live in vehicles[61]—almost twice as many as live in tents and other encampments.[62] Fifty percent of all children who are unhoused in Los Angeles County live in vehicles.[63]

For individuals unable to afford a traditional roof over their heads, a vehicle offers a level of security and stability that a tent or makeshift encampment simply cannot provide. Yet individuals living in their vehicles are often at risk of losing them because of unpaid parking tickets, lapsed registrations, and enforcement of the 72-hour rule. People who are homeless frequently have no other option than to park their vehicles on public streets and in public lots, where unregistered vehicles are subject to parking tickets and towing. A recent study by the Economic Roundtable in Los Angeles found that, although one-third of all homeless people live in their vehicles, only one-sixth of people who were homeless for over a year live in their vehicles.[64] In other words, after a year of homelessness, an individual was significantly more likely to be living in a tent than in a vehicle. The report linked this trend to the frequency with which unsheltered people lose their vehicles due to debt collection and registration tows.[65]

STEVE VENEGAS

In 2018, Steve Venegas lost his job and was evicted from his apartment. With no place to go, he began living in his car in the Koreatown neighborhood of Los Angeles. Although it was challenging to live in his car, he felt safe and secure, and his belongings stayed relatively clean and dry. But in quick succession, Mr. Venegas received a number of parking tickets for violating one of the many parking restrictions in the neighborhood. Without a job, he could not afford to pay the $68 tickets, and the city placed a hold on his vehicle registration. When his registration expired, he still could not afford to pay the over $800 in fines that had accumulated for his five outstanding tickets. So even though he paid his registration fees for 2018, the DMV would not renew his registration. In July, the city put a boot on his car. He managed to enroll in a payment plan and scraped together $650 to get the boot removed. But the following month, he could not make the next $375 payment that was due, and he defaulted on the payment plan. Still unable to register his car and without anywhere other than public streets to park, he kept getting parking tickets for failing to display current registration tags.

In November 2018, while he was sleeping in his car, parking enforcement officers came to tow it away. He couldn't pay the outstanding fees and wasn't allowed to enroll in another payment plan. In December 2018, the towing company auctioned the car off to collect its fees. Since then, Mr. Venegas has been living in a tent on the sidewalk, next to where he used to park his car. Living on the sidewalk during the wettest and coldest winter in decades has made it a daily struggle just to keep his belongings dry, let alone make himself presentable enough to look for a new job. But if he got a job interview, he would worry about leaving his belongings alone on the sidewalk, for fear that the Department of Sanitation would come and throw them all away.

When a person who is homeless loses their vehicle, the effects can be catastrophic. Many people living in vehicles are the working poor—individuals who are working full time, sometimes struggling to keep more than one job, and yet, because of the cost of housing, still unable to afford rent. Their vehicles provide not only transportation but also shelter. As discussed above, when individuals lose their vehicles, it can be that much more difficult to maintain steady employment and find a path out of homelessness. But if a person is living in their vehicle, the loss of a vehicle can compound these obstacles. After a tow, many people who were living in their cars wind up sleeping in tents or makeshift encampments on the sidewalk. Maintaining employment is nearly impossible. Other mundane yet critical tasks, from getting medical care to finding a place to take a shower, become even more difficult. In addition, living on the sidewalk, people are subjected to criminalization, the loss of their belongings to sanitation sweeps, violent attacks, and inclement weather.

ANNA MCNIFFE

Some municipal tows take money from funds meant for housing, to pay for tow fees. Anna Mcniffe, 65, had been living in her RV for a year in Malibu prior to the 2018 Woolsey fire. She left her RV to buy food for victims of the fire, but when she tried to return a little while later, the roads were closed, and she could not return to Malibu for a week. When she finally returned, she discovered her RV was impounded by Malibu Towing. In an attempt to retrieve her RV, she went to Malibu Towing with a form from the police department ordering the release of the RV, but Malibu Towing told her that fees had accumulated, and unless she paid them they were unable to assist her. Fortunately, Ms. Mcniffe was assisted by the Neighborhood Legal Services of LA County, who made it possible for Ms. Mcniffe to obtain a $2,500 grant from the County's homeless prevention fund. The County dollars paid for the towing and storage fees needed for the release of her home.

PART TWO: POVERTY TOWS

IV. GOVERNMENTS REGULARLY TOW CARS EVEN WHERE THERE IS NO PUBLIC SAFETY RATIONALE

Despite the devastating economic consequences of a tow, local governments regularly tow cars where it does not serve any public safety purpose, and where it unfairly targets low income people. There are numerous unfair tows across the state, including towing crime victims' vehicles and selling them while the victims are hospitalized, and towing cars when the driver has an expired license, even though there is a licensed driver who could legally and safely drive it away. Of the wide range of towing abuses, three reasons for tows rose to the top as important areas of concern, in both the anecdotal evidence and the data: 1) when a driver has five or more outstanding parking tickets; 2) when the car has expired registration; and 3) when the car is parked more in one place for than 72 hours. Collectively, these are "poverty tows," or non-urgent tows that disproportionately impact middle- and low-income Californians.

- **Five or more parking tickets**

Local governments can tow a car just because the owner has accrued five or more outstanding parking tickets.[66] If this happens, the owner cannot retrieve their car from the tow lot until they have paid all the outstanding parking tickets and late fees on the towed vehicle, all the outstanding parking tickets on any other car the person owns, *and all the towing and storage fees.*

- **Unregistered vehicles or lapsed registration**

Local governments can tow a vehicle that is not registered, if the registration has been lapsed for more than six months.[67] If this happens, the owner cannot retrieve their car until they have registered their car by paying all outstanding registration fees and penalties, as well as any outstanding traffic and parking tickets that may have led to a registration hold.[68] *Then the owner can pay the towing and storage fees to retrieve their vehicle.*

- **72-Hour Ordinances**

Local governments can tow any vehicle that has been parked in thesame legal parking spot for more than 72 hours.[69] This particularly impacts people who do not have private offstreet parking — often because they cannot afford it. For people who are sick, traveling, hospitalized, jailed, or attending to other emergencies, the 72-hour law can be impossible to follow. There is anecdotal evidence that vehicles have been towed for 72 hour violations even when the vehicle owner is in or near the car at the time of tow; enforcement is not reserved for removing abandoned vehicles. To retrieve a car towed for a 72-hour violation, a vehicle owner must pay all towing and storage fees.

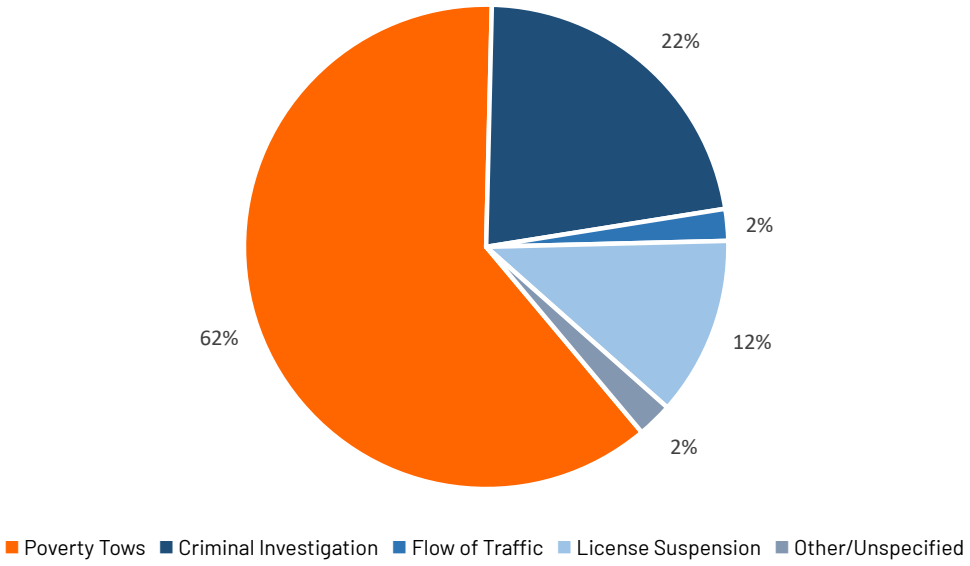
SUSAN LEFF

72-hour tows can harm people during medical emergencies. Susan Leff is currently an Assistant Public Defender in Nevada. When she was a young attorney, she worked in Stockton making a low salary while living in San Francisco. One day, she became sick and needed to go to the hospital. While she was recovering in the hospital, her motorcycle was parked for more than 72 hours and was subsequently towed. By the time she discovered what happened, she could no longer afford the tow and storage fees, despite her full-time job. As a result, the tow company sold her motorcycle; she lost it permanently.

A. TENS OF THOUSANDS OF TOWS EACH YEAR ARE NOT RELATED TO PUBLIC SAFETY

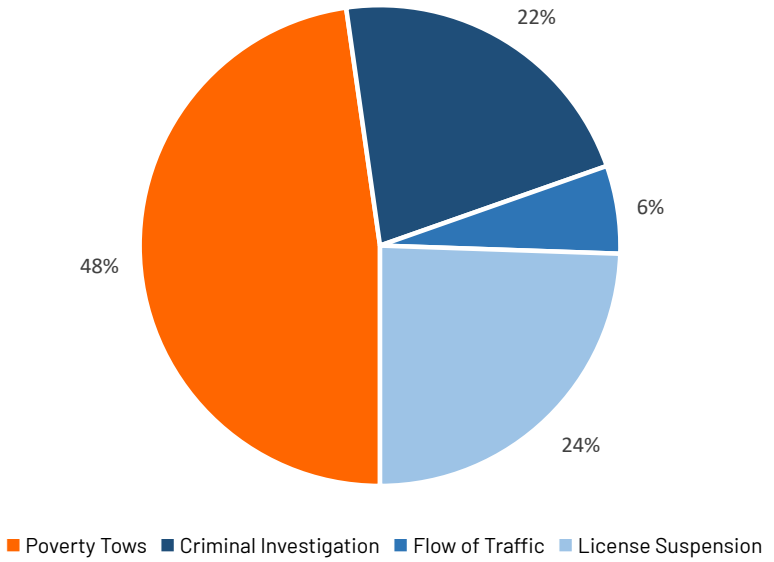
Unpaid tickets, expired registration, and parking for more than 72 hours combine to constitute a large percentage of impounds in California. Based on data from eight cities, analysts estimate that public agencies ordered more than 979,000 tows in 2016 and over 865,000 tows in 2017. They also estimate that 22 percent (in 2016) and 26 percent (in 2017) of these tows were based on one or or more of these non-emergency, non-safety related reasons. These poverty tows overwhelmingly impact low-income individuals and people of color,[70] often permanently stripping people of the thing that allows them to keep a roof over their heads.

REASONS FOR VEHICLE TOWS BY CITY OF SANTA ANA (2015-18)



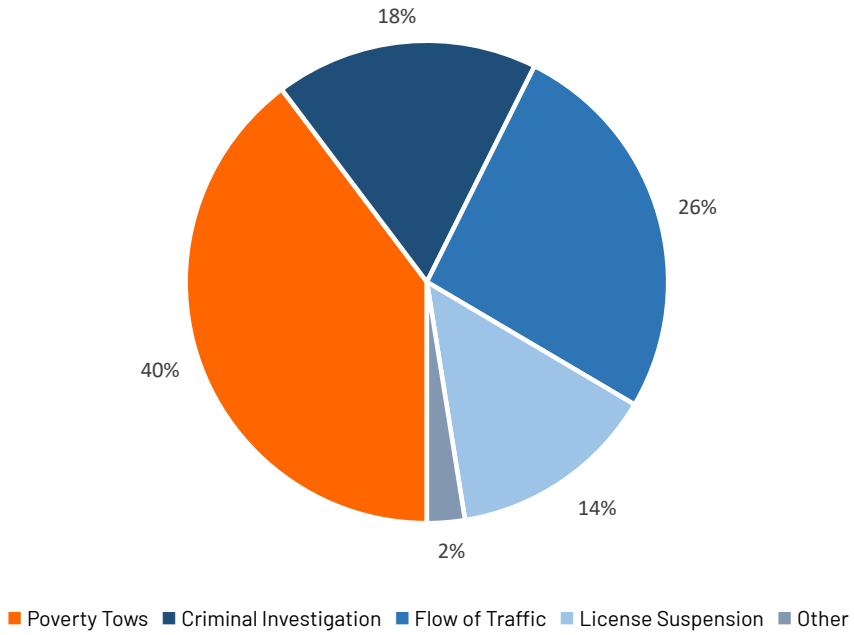
In some areas of California, poverty tows outstrip tows for each other reason. For example, in Chula Vista, lapsed registration tows account for over 31% of all vehicles towed and 72-hour tows account for more than 12%. By contrast, only 6% of all tows are related to maintaining the flow of traffic.

REASON FOR VEHICLE TOWS BY CITY OF CHULA VISTA (2017)



These trends are especially noticeable in many of California's major cities. In San Diego, for example, poverty tows constituted 40% of all impounds whereas flow-of-traffic impounds were the basis for only 26% of impounds.[71] The City of Oakland impounded roughly 36,500 cars between January 2016 and May 2018. Of these, 11,500 (31.5%) were impounded for having expired registration and just 5,780 cars (16%) were towed for posing a hazard to the flow of traffic.[72] And there is some evidence that the number of poverty tows are *increasing steadily. In the first seven months of 2017, the San Francisco MTA towed over 2,500 vehicles for either debt collection, lapsed registration, or both. But in the first seven months of 2018, the SFMTA towed nearly 3,400 vehicles for those reasons,*
a 33% increase.

REASON FOR VEHICLE TOWS BY CITY OF SAN DIEGO (2016-18)



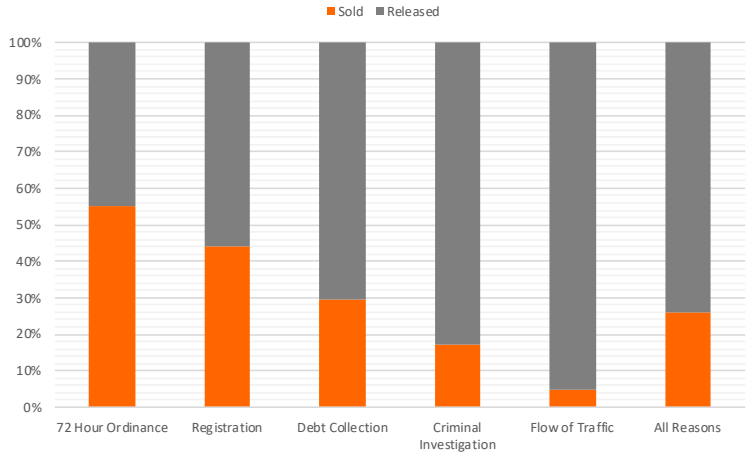
Statewide, **the California Highway Patrol is over 36 times more likely** to impound your car for poverty tows than for a criminal investigation. Almost 30% of the tows ordered by the California Highway Patrol were for expired registration, while less than 1% were for criminal investigations.

B. POVERTY TOWS DISPROPORTIONATELY LEAD TO LIEN SALES

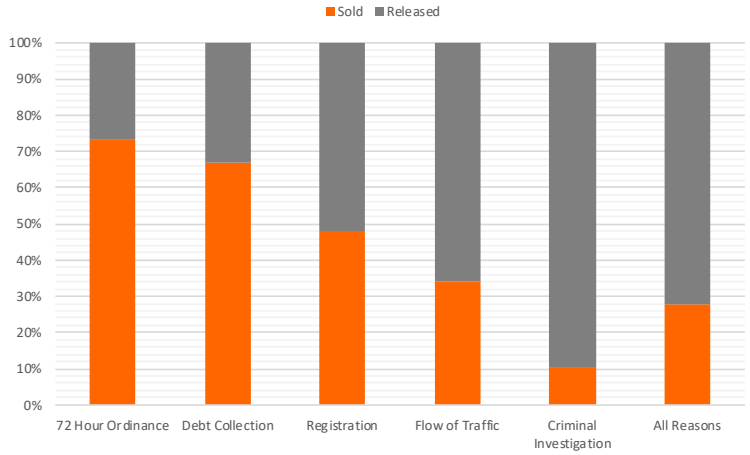
Logic dictates that people whose vehicles are towed for poverty-related reasons are less likely to have the financial means to retrieve the cars from the tow lot, and their cars are thus more likely to be sold at auction than vehicles towed for other reasons. The data demonstrates this to be true. In San Francisco, for example, half of all vehicles towed for debt collection are sold at lien sale, and 57% of registration tows lead to lien sales, even though only 9% of vehicles towed for all reasons were sold instead of recovered. The charts below show similar trends in San Diego and Riverside County.

In all three of the California municipalities that provided lien sale data, poverty tows were the top three reasons people lost their vehicles at lien sale. Even though they were not the top three reasons that vehicles were towed initially, and even though they are usually the least serious, least urgent reasons for tows in California, these tows are the most likely to permanently deprive Californians of their vehicles.

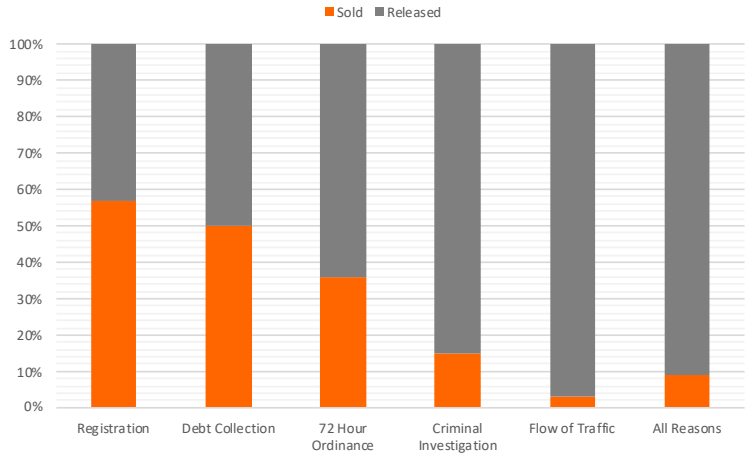
VEHICLES RELEASED VS. SOLD POST-TOW IN SAN DIEGO (2016-18)



VEHICLES RELEASED VS. SOLD POST-TOW IN RIVERSIDE COUNTY (2016-18)



VEHICLES RELEASED VS. SOLD POST-TOW IN SAN FRANCISCO (2005-17)



V. NO ONE WINS WITH POVERTY TOWS

The sheer volume of tows for non-urgent reasons, and the disproportionate number of lien sales that result, means that if local governments stopped towing vehicles for debt collection, lapsed registration, and 72-hour ordinances, they could dramatically reduce the number and cost of tow-yard lien sales.

A. POVERTY TOWS DRAIN MONEY FROM THE PUBLIC FISC

Governments lose money when they tow cars for poverty-related reasons. The reason governments lose money from poverty tows is that such cars are less likely to be retrieved from the tow lot, and more likely to be sold at lien sales – and as explained in Section II, tow companies lose thousands of dollars with every lien sale.

As the chart below illustrates, almost 70% of all vehicles sold at lien sale in San Diego were towed because of lapsed registration, unpaid parking tickets, or a 72-hour ordinance. During a roughly two-year period, the city sold approximately 12,000 vehicles; over 8,200 of these sold vehicles were related to poverty tows.

TABLE: TOWING AND LIEN SALES NUMBERS IN SAN DIEGO (2016-18)

REASON FOR TOW	NUMBER OF VEHICLES TOWED	PERCENTAGE OF ALL TOWS	NUMBER OF VEHICLES SOLD	PERCENTAGE OF ALL SALES
Debt Collection	2375	5%	702	6%
Registration	11263	24%	4950	42%
72 Hour Ordinance	4714	10%	2613	22%
ALL POVERTY TOWS	**18352**	**40%**	**8265**	**69%**

A similar trend holds in San Francisco. Records provided by the City of San Francisco, dating back more than ten years, track over 150,000 tows. Half of all vehicles that San Francisco towed for debt collection were sold at lien sale, and 57% of registration tows led to lien sales. Although these tows only make up about 9% of all vehicles towed, they make up **55% of lien sales**. During the same 10-year time period, the city sold about 14,100 towed vehicles at lien sale, and about 7,700 of these vehicles (55%) were towed for registration and/or debt collection. By eliminating these two types of tows, cities could drive down the number of lien sales. As detailed in Section II, this would make their towing programs significantly more cost-effective and could allow them to lower towing fees.

Additionally, using tows to coerce payments on parking ticket debt is often ineffective. First, it deprives many people of a necessary tool for their employment: their car.[73] If they cannot work, it is harder for people to pay.[74] Second, several studies have shown that when governments demand fines and fees that are too high for a person to pay, that person does not pay anything. In fact, people are more likely to pay—and governments can collect more overall—when the amounts due are reduced according to their ability to pay.[75]

B. POVERTY TOWS ARE UNFAIR TO LOW-INCOME PEOPLE

People who have unpaid parking tickets, lapsed vehicle registration, or 72-hour parking violations are likely to be low-income, as these circumstances are usually avoidable for people who have enough money to pay fines and fees or pay for private parking. Thus, when a government agency tows a vehicle for one of these reasons, it is often compounding already untenable financial circumstances.

It is easy to see how a law that allows an agency to tow a vehicle for unpaid parking tickets disproportionately impacts low-income drivers. Many low-income people fail to pay because they cannot afford the often-sky-high cost of these tickets.

It is also apparent that a person who is struggling financially could find themselves unable to afford the cost to register a vehicle.

There is also a less obvious link between unpaid parking tickets and lapsed registration. When a person gets a single parking ticket and cannot pay it, the agency that issued the ticket can put a "hold" on that person's vehicle registration with the Department of Motor Vehicles.[76] When that happens, the vehicle owner cannot register their vehicle until they have resolved all parking ticket fines and late fees, in addition to the vehicle registration fees.[77] If they cannot afford to pay, the registration lapses, and they can accrue even more parking tickets for failure to display valid registration tags. And of course, this cycle continues, as each new parking ticket can be reported to the DMV. This sends a person further down the spiral of debt. Five parking tickets later (or six months after the vehicle registration lapsed), the government can tow the car for outstanding parking tickets or expired registration (or both). Thus, for a low-income person, a single expired meter, misread parking sign, or forgotten street cleaning can too easily lead to a vicious debt cycle and permanent loss of their vehicle. In these instances, towing is not being used to address threats to public safety, but to coerce people to pay fines and fees. When that is impossible for a low income Californian to do, the coercion does not work as a collections tool, and it causes the often devastating loss of the person's vehicle.

In addition, in some circumstances, a registration violation is more likely to cause a tow than erratic or drunk driving. For example, if a person is pulled over for a registration violation, and they have an expired or suspended license, the officer can immediately order the car towed. In contrast, if a person is pulled over at a drunk driving checkpoint, or for smuggling illegal agriculture into California, and does not have a current license, the officer must allow the owner of a vehicle to have another person who does have a license to drive it away, saving the car from the tow yard.[78]

The rule permitting the government to tow any car parked on the street for more than 72 hours affects people in most income brackets in California – anyone can unwittingly leave their vehicle parked on the street for a few days and then return to find it towed. But this law hits low-income people particularly hard because low income people have less access to safe off-street parking, particularly in large urban areas. In many major cities in California, parking spaces are at a premium and many apartment buildings do not include parking spaces, or landlords charge hundreds of dollars for off-street parking. People who cannot afford off-street parking are at higher risk of leaving their vehicle parked on the street and violating the 72-hour rule.

ALTERNATIVE FORMS OF COLLECTING DEBT ON UNPAID PARKING TICKETS

Governments can collect unpaid parking tickets and registration fees without towing cars. Some other powerful tools they can use to collect debts owed to the government include:

- Governments can collect debt owed to them by enlisting the Franchise Tax Board to intercept tax refunds or lottery winnings.[79]
- If the person owes more than $400 in parking tickets, the agency can enter a civil judgment against the person for the amount of the tickets, the late fees, and court costs.[80]
- After a civil judgment is entered, the agency can use ordinary measures to collect debt, including bank levies and wage garnishments.[81]

C. POVERTY TOWS DISPROPORTIONATELY IMPACT UNHOUSED PEOPLE, IMMIGRANTS, AND PEOPLE OF COLOR

Towing and selling vehicles as a punishment for people who cannot pay municipal debts is linked to a long history of targeted enforcement against poor people and people of color in the United States. While many point to the abuses cited by the Department of Justice in the wake of the Ferguson uprising, the use of fines and punishments against African-American people in particular has far deeper historical antecedents. As Ruth Bader Ginsberg wrote for the Supreme Court in February 2019:

Following the Civil War, Southern States enacted Black Codes to subjugate newly freed slaves and maintain the prewar racial hierarchy. Among these laws' provisions were draconian fines for violating broad proscriptions on "vagrancy" and other dubious offenses.[82]

The Supreme Court cited this history in deciding that the Eighth Amendment Excessive Fines clause applied to a state seizing and selling a man's car after he was arrested.[83] Since Ferguson, there has been a growing recognition that (1) over-policing of minor offenses—particularly targeted enforcement—creates and exacerbates race inequality, and that (2) it is unjust for governments to impose fines and fees and then punish people who cannot afford to pay.[84]

The few available surveys on towing show discriminatory impact. In 2018, the East Bay Express reported on the towing crisis in Oakland and reviewed the towing details of over 26,000 tows. They mapped the data and found that the Oakland Police Department towed vehicles more often from neighborhoods in East Oakland, which are predominantly Latinx and Black communities, than anywhere else in its jurisdiction.[85] A survey of tows in Menlo Park showed disproportionate impact on Latinx drivers.[86] In San Francisco, the city sends MTA enforcement officers to respond to complaints about poor and homeless people parked in certain neighborhoods, dispatching officers and tow trucks to find out whether there are grounds to tow—usually for lapsed registration, unpaid tickets, or 72-hour violations.[87] Officers will tow even if the vehicle owner is there, despite the fact that they stop other MTA tows if the vehicle owner arrives.[88] Other studies and reporting have shown significant racial bias in traffic stops by law enforcement agencies in various parts of the state, many of which can lead to the towing of vehicles.[89]

While advocates requested towing data from jurisdictions that would allow a racial disparity analysis for places like Los Angeles, the Los Angeles Police Department, the Los Angeles Department of Transportation, and other agencies throughout the state either failed or outright refused to provide this information, making this kind of analysis impossible statewide.

MR. KELLY

Not just poor and homeless people are targeted for tows; sometimes it's also the people who help them. Mr. Kelly has spent the last 18 months helping unhoused people who are living in their vehicles in Oakland. When the City of Oakland would slap 72-hour notices on the cars of people living in their vehicles (ordering them to move a mile or face towing), Mr. Kelly would use his pick-up truck to help move any inoperable RVs and trailers out of the tow zone. One morning, when he came to help move some vehicles facing tows at 20th and Willow, he found that his own truck and trailer had been towed. "It was the first one they picked out," Mr. Kelly said. "I know they know my truck. Because many different times I've towed these 4-5 vehicles. They knew if they towed me first they'd have the rest, so that's what they did."

Where unnecessary towing practices lead to the loss of vehicles, this can exacerbate existing racial disparities in car ownership, transportation equity, and resulting economic opportunity. These disparities are well-documented in our state.

People of color are less likely to own vehicles, but are more likely to live in communities with inadequate public transportation systems. Empirical evidence suggests that, relative to white workers, Black and Latinx workers are already less likely to have stable access to a car,[90] and a lack of car access has been shown to contribute to the disparate rates of unemployment between white workers and workers of color.[91] There is also a significant racial disparity in terms of investment in public transportation, even though people of color are more likely to rely on public transportation. In Los Angeles, most residents who rely on public transportation come from low-income households and are people of color,[92] but investments in public transportation have historically ignored these communities. This lack of investment perpetuates racial inequality by diminishing individuals' access to economic opportunity and perpetuating racial segregation,[93] and it makes car ownership even more critical.

KING CITY TOWING SCHEME

A towing scandal in a small agricultural city in the Salinas Valley shows how poverty tows can enable targeted enforcement. In 2014, police officers in King City were arrested and charged with involvement in a corruption scheme involving the city's private towing contractor (Miller's Towing).[94] The officers alleged received kickbacks from the towing company in exchange for ordering tows based on minor infractions, such as expired registration.[95] According to city residents, officers targeted low-income Latinx farmworkers who could not afford to pay towing fines and fees and frequently lost their vehicles at auctions or lien sales.[96] A class-action lawsuit led to a $1.2 million dollar settlement for the victims of this scheme.[97]

Finally, towing policies create an additional economic barrier for immigrants. Approximately 20 percent of non-citizen immigrants earn poverty-level wages nationally,[98] and California has more immigrants than any other state.[99] Because immigrants are disproportionately likely to be low-income,[100] they are necessarily less likely to be able to afford the excessive towing and impound fees described in this report. Many may fear that interacting with government bureacracies in order to get their cars back will lead to deportation, and additional challenges related to immigration status.

MS. CRISPINA R.

For many people, including immigrants, even understanding how to get their car back after a tow is a challenge. Ms. Crispina R., a 35-year-old undocumented mother, immigrated to California from Oaxaca, Mexico in 2008. A Fresno Police Officer pulled her over in February 2019 because of expired registration tags and ordered that her car be towed. Before being pulled over, Ms. R was in the process of getting her van smogged, but the mechanic helping her advised Ms. R to drive the vehicle before work was complete. After her car was towed, she went to the police department to inquire about the location of her van, and the police provided her with a towing company's information. When she contacted the towing company, no employee spoke Spanish, leaving Ms. R unable to obtain further information about her van. Without her vehicle, Ms. R is unable to transport her five children to school and to their doctor.

California counties struggle to find solutions that adequately address decades of structural racism, disinvestment, and resulting inequality. As communities fight to address these deeply entrenched problems, one remedy that research has shown helps at the individual level is car ownership.[101] But the state's current towing practices that strip low-income people of their vehicles take away even this opportunity for economic advancement and increased racial equality.

VI. MANY POVERTY TOWS ARE UNCONSTITUTIONAL

The United States and California constitutions place important limits on our government's power to take people's property. Several recent court decisions—including by the United States Supreme Court—have underscored that there are only a few, limited circumstances in which towing vehicles is constitutionally permissible, and cities violate the Fourth, Eighth, and Fourteenth Amendments when they tow private vehicles otherwise.[102]

A. THE FOURTH AMENDMENT PROHIBITS WARRANTLESS TOWS

The Fourth Amendment of the U.S. Constitution prevents the government from unreasonably seizing a person's property: "The right of the people to be secure . . . against unreasonable searches and seizures, shall not be violated . . ." Warrantless seizures are "per se unreasonable."[103] This means that, before towing a privately owned vehicle, government agencies must either get a warrant, or meet one of the few exceptions to the warrant requirement.[104] These exceptions include seizures effectuated to stop a crime in progress, seizures conducted with owner consent, and seizures to ensure public safety. There is no exception to the general constitutional warrant requirement that permits governments to seize vehicles for debt collection.

California has also recognized the importance of ensuring that any towing of a vehicle complies with the protections of the Fourth Amendment. In 2018, the state legislature passed a law clarifying that "[a]ny removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence."[105] The new law clarifies that tows without a warrant are constitutional only if they fall under one of the exceptions to the warrant requirement, "such as ensuring the safe flow of traffic or protecting property from theft or vandalism."[106]

Cities across California violate the Fourth Amendment when they tow cars without warrants just because the owner owes fines and fees, has not paid the vehicle registration fee, or has not moved their car for 72 hours. None of these rationales for vehicle tows are sufficient to justify a warrantless seizure under the Fourth Amendment. None are emergencies, none are crimes, and none implicate safety concerns.

A San Francisco delivery driver—Sean Kayode—recently became one of the first people to challenge debt collection tows under the Fourth Amendment. His car was towed because he owed money for parking tickets. Mr. Kayode was homeless, and without his car, he could not work to save money for housing. In October 2018, a federal court in California ordered the City of San Francisco to give Mr. Kayode his car back because the City's tow of the car raised serious questions under the Fourth Amendment.[107]

B. THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT REQUIRES ADEQUATE NOTICE AND OPPORTUNITY TO CONTEST A TOW

The Constitution prohibits a state from depriving "any person of … property, without due process of law."[108] At the core of the Due Process guarantee of the Fourteenth Amendment is pre-deprivation notice—some advance warning that the government is going to take your property— and a meaningful chance to challenge the deprivation before it happens.[109] In the context of vehicle tows, courts have recognized that people have an important right in continued possession of their cars, and that the government's seizure of a person's car causes significant hardship.[110] Because cars are so important to people's daily lives, courts have required that governments must give people notice *before towing vehicles and must provide vehicle owners a reasonable opportunity to contest the tow or to show that towing the car would be illegal or unconstitutional.*[111] The only exceptions to this general rule include emergencies, situations in which notice would defeat the point of the tow, and situations in which the interest at stake is small relative to the burden that giving notice would impose.[112]

Throughout California, however, local governments seize and tow cars without providing any advance notice of the impending tow, and without providing the owner with any opportunity to contest the tow in advance, or to show that towing the car would be illegal or unconstitutional. Although local governments do permit an owner to request a "tow hearing" after the tow has already occurred, those hearings are essentially shams. Hearing officers regularly refuse to consider whether the tow violated the constitutional rights of the vehicle owner, and regularly refuse to even consider whether it was improper to tow a person's car for nonpayment of parking tickets when the reason for nonpayment was inability to pay. Further, hearing officers typically refuse to allow the vehicle owner to question the officer who ordered the tow or to see any of the evidence against them before their hearing. In addition, hearing officers do not make an independent determination of the necessity of towing a particular vehicle; instead, hearing officers consider simply whether the tow was authorized by statute. The towing of a vehicle without prior notice, and without *any meaningful opportunity to be heard, violates the Fourteenth Amendment's due process clause.*

TOW HEARINGS DON'T WORK

Within the first ten days after a vehicle is towed by a government agency, the vehicle owner may request an administrative hearing to challenge the legality of the tow. (Vehicle Code section 10652.5.) Most people don't know that this opportunity exists, but even for those fortunate enough to know of the right to a hearing, the hearing is unlikely to offer relief.

First, the hearing is not held in front of a judge. In fact, often it is a police officer who works for the same agency that ordered the tow. Second, many cities do not allow people to see the evidence against them before, or even at the hearing. Third, hearing officers are limited to determining if there was a legal basis for a tow: for a debt collection tow, this means that if the vehicle owner truly did accumulate unpaid tickets, the hearing officer will uphold the legality of the tow. Despite constitutional prohibitions against punishing people who cannot pay, hearing officers are not required to consider inability to pay the parking tickets that precipitated the tow.

Mr. Mehrara, whose story is captured in Chapter III, and Mr. Fisher, whose story is set out below, both requested hearings after their vehicles were towed. Neither recovered their vehicle through the process. Mr. Fisher – whose car had been towed for lapsed registration — showed the hearing officer proof that his car had passed a smog test and that he could pay his registration fees as soon as he received his next SSI check. Nonetheless, the hearing officer ruled that the tow was performed for a statutorily valid reason (lapsed registration), and Mr. Fisher's circumstances were irrelevant.

Mr. Mehrara, meanwhile, never received a tow hearing. When the San Francisco Municipal Transit Agency towed his vehicle due to the accumulation of five unpaid parking tickets, Mr. Mehrara called the agency to request a tow hearing. He was told that he would be notified when the agency scheduled a hearing, but he never received such notification. Unsure what to do, he contacted the Lawyers' Committee for Civil Rights. However, by the time he spoke with an attorney, Mr. Mehrara's car had been sold at a lien sale.

C. THE EIGHTH AMENDMENT EXCESSIVE FINES CLAUSE PROHIBITS DISPROPORTIONATE FINANCIAL PENALTIES

In its February 2019 decision in *Timbs v. Indiana*, the United States Supreme Court issued a rare unanimous decision, holding that the State of Indiana may have violated the 8th Amendment's Excessive Fines Clause when it seized the vehicle of an Indiana man because he had committed a drug crime.[113] Under the Eighth Amendment, "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."[114] In deciding that the Excessive Fines clause applies to the states, and to the state of Indiana taking Mr. Timbs' car, the Supreme Court recognized that the government must not impose fines that are out of proportion to the crime committed, that government-imposed fines must "not be so large as to deprive [an offender] of his livelihood," and that no one shall have a larger fine than their "circumstances or personal estate will bear."[115]

The *Timbs* decision casts serious doubt on the constitutionality of the government's seizure of a vehicle to punish nonpayment of parking tickets or registration fees, or to punish parking for longer than 72-hours in the same spot. Towing a vehicle for such offense is not proportion to the "offense" the vehicle owner has committed, and as explained in Section I, vehicle seizures are so expensive that low and moderate income people often cannot retrieve their vehicles after a tow; the resulting permanent loss of the vehicle deprives many people of their ability to earn a livelihood, and even their homes, and is financially ruinous – all hallmarks of an excessive fine under the 8th Amendment.

AB 503 AND AB 2544

AB 503 and AB 2544, signed into law in October 2017 and September 2018 respectively, prevent cities and municipalities from placing a hold on a driver's registration for unpaid parking tickets unless a driver is offered a payment plan if they are too poor to pay immediately. The criteria are limited: even though parking ticket fines have risen and half of Americans can't afford $500, only the poorest people—usually those on public benefits—qualify. The process also places the burden on Californians to demonstrate their indigence in person, request a payment plan, and make a manual payment every month.

The system does not benefit or work for many Californians. Diane owes parking fines in multiple cities and counties. Until she resolves those fines, she cannot register her car, which leaves her in constant fear of being towed. For three months, Diane has taken time away from her freelance employment to travel to different parking enforcement agencies and request payment plans. Multiple times, Diane has had to argue with agency and DMV staff who are unaware that these laws created retroactive relief for individuals with old parking debt. Despite her best efforts over a course of multiple months, Diane still has not been able to register her vehicle.

Diane's example demonstrates not only that current law lags in implementation, but also that bureaucratic relief placing the burden on vehicle owners often results in no relief at all.

D. THE FOURTEENTH AMENDMENT PROHIBITS PUNISHING A PERSON FOR POVERTY

Towing a vehicle because the owner owes a debt to the government amounts to punishing a person for being poor. The vehicle tows that are accomplished to collect municipal debt are not punishment for breaking the parking laws – they are punishment for not paying money to the government. People who have enough money can break the parking laws as many times as they want, and so long as they pay their parking tickets on time, they will avoid a vehicle tow. Low income people, however, face a far harsher punishment: the permanent loss of their vehicle as a result of nonpayment of parking tickets. The United States Supreme Court has repeatedly recognized that punishing a person for poverty – and punishing nonpayment when a person is *unable* to pay – violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment.[116]

A California court of appeal recently described how "[p]oor people must face collection efforts [that others do not] solely because of their financial status, an unfair and unnecessary burden that does not accomplish the goal of collecting money."[117] The court concluded that before assessing fines and fees, courts must ascertain whether someone can pay them, or else forego the punishment.[118]

The status quo for towing is generally tow first, coerce payment after. Californians would be hard pressed to find a jurisdiction that examines a person's ability to pay before charging tow and storage fees. Current California towing practices raise serious questions of constitutionality.

RUDOLPH FISHER

As a result of the lack of due process for tows, drivers can have their cars towed for other people's parking tickets. Rudolph Fisher is 66-year-old man who suffers from chronic emphysema and diabetes and relied on his car for medical appointments. He purchased a used car from a private seller who had only purchased the car the month before. Unbeknownst to both Mr. Fisher and the seller, the car had five unpaid tickets on its record. Mr. Fisher only had the car for two days before it was towed. He received no notice before it was towed and could not afford to pay the tow fines and fees. He lost the car.

VII. RECOMMENDATIONS TO REDUCE TOWING OF VEHICLES IN CALIFORNIA

Towing is meant to improve public safety, not to punish people for minor violations or to collect debts. These recommendations are in line with constitutional principles, and increasing good, cost-effective towing practices across the state.

TOWING OR IMMOBILIZING A VEHICLE IS A COUNTERPRODUCTIVE AND DISPROPORTIONATE SANCTION FOR:

- Owing money on parking tickets
- Out-of-date DMV registration
- Parking a vehicle for more than 72 hours without moving it

Towing is an extreme penalty that disproportionally harms middle and low income people and people of color. Once a car is towed, many California families do not have the money to retrieve the car and cannot borrow the money. When they can't retrieve the car, it causes problems getting to work, making doctor appointments and participating in other everyday activities.

"RELEASE" FEES AND STORAGE FEES ARE OFTEN EXCESSIVE AND HARMFUL

Some, but not all, local law enforcement departments impose additional "release" fees on top of the cost of unpaid fines and fees and on top of the cost towing and storage. Additionally, some law enforcement agencies require vehicle owners to pay a "release" fee on a vehicle that was towed simply for having been in the same place for 72 hours. This layering on of costs makes it more likely that the person will lose their vehicle after a tow. The CHP does not charge release fees or charge to authenticate that a person has complied with a fix it ticket. **The CHP Policy of not charging a release fee for a towed vehicle is a fair and equitable practice.**

In addition, storage fees are often exorbitant, far exceeding the fair market value of a parking place, making the overall cost to retrieve a vehicle unaffordable.

TOWING AND STORING COMPANIES SHOULD NOT FILE LIENS AGAINST VEHICLE OWNERS FOR UNPAID FINES AND FEES

When low-income people have their car towed they often do not have the money to get it back. In that case the tow yard can sell the car at auction but often the amount received at auction is less than the total owed. Tow yards can file liens against registered owners to collect the remainder of what is owed. Most liens on low income owners result in little or no money recovered but cause a financial cloud to hang over the person for seven years. **Tow yards and storage facilities should not use Lien Collections for Low Value Cars (those worth less than $4,000).**

TOWING HEARINGS MUST BE FAIR AND IMPARTIAL

Local jurisdictions must make sure that tow hearings are fair and impartial to comply with the requirements of the Constitution's Due Process Clause. The basic contours of a constitutional hearing are: 1) A hearing officer who is a neutral third party; 2) Clear and obvious notice to the owner that they have the right to a hearing; this may mean notice on city websites and on any printed information provided to the owner; 3) A process where the hearing officer considers all relevant evidence and factors, which may include the owner's ability to pay and other extenuating

circumstances or good cause; And, 4) a process where the vehicle owner can be made whole: this means that if a hearing officer finds that a tow was improper or the balance of hardships lies with the owner, the owner should be able to retrieve their car at no charge.

TOWING PRACTICES THAT SHOULD BE FURTHER EXAMINED

Problems that came up in the course of preparing this report that should be addressed in the future:

- Towing Stolen Cars. Some stolen cars are recovered, but then the owner can't afford to recover them from the tow yard, meaning the tow yard takes the car instead of the thief. Some cities have stopped charging people to get their own vehicles out of the tow yard after they are stolen and recovered.
- Driving on a Suspended License. CHP has a common-sense policy: Permit a person pulled over for a suspended license to locate someone else with a valid license to drive the vehicle away, including allowing time for a licensed driver to arrive if the vehicle can be legally and safely parked.
- Consumer Protections Against Tow Company Abuses. Many vehicle owners who were surveyed reported abuses by tow companies. This problem seems to be widespread, and should be the subject of deeper investigation.

APPENDICES

APPENDIX A: LIEN SALE PROCESSES

The process for a lien sale varies based on the value of the vehicle. Based on state law requirements, vehicles with a fair market value greater than $500 must be stored for at least 30 days before a sale. Vehicles with a fair market value of less than $500 can be sold after only 15 days of storage.

VEHICLES WORTH BETWEEN $500 AND $4000

Most vehicles sold at lien sales are valued between $500 and $4000. Before these vehicles can be sold, the tow company first must notify the vehicle owner and all individuals known to have an interest in the vehicle of the sale.[119] This notice must include the date, time and location of the sale and must be sent at least 31 days before the sale.[120] The notice also must set forth the process for opposing the sale.[121]

If the vehicle owner or any individual with an interest in the vehicle opposes the sale, the tow company must file a court action and get a judgment before it can sell the vehicle.[122] If the tow company gets a judgment, the person who opposed the sale may be required to pay court costs.[123]

If no one opposes the sale, the tow company must post a notice of sale at its business office for at least 10 days prior to the sale.[124] After the sale, the entity that conducts the sale must remove and destroy the license plates and notify the DMV of the sale.[125]

VEHICLES WORTH LESS THAN $500

Vehicles worth less than $500 are sold through a similar process.[126] However, the tow company may sell the vehicle within 15 days of sending notice of the sale, if no one opposes the sale.[127]

VEHICLES WORTH MORE THAN $4000

Lien sales of vehicles worth over $4000 require an additional step in the process. Before sending notice of the sale, the tow company first must apply to the DMV for authorization to sell the vehicle.[128] When it receives the tow company's application, the DMV must notify the vehicle owner and any other individuals that the tow company identifies as having an interest in the vehicle.[129] The DMV's notification must state that the tow company is going to sell the vehicle and describe the process for opposing the sale.[130]

If there is opposition to the sale, the tow company must obtain a court judgment before it can sell the vehicle.[131] If no one opposes the sale, the tow company must then notify the vehicle owner and any other individuals with an interest in the vehicle of the date, time and location of the sale at least 20 days before the sale.[132] The tow company must also post notice of the sale in a newspaper or a public place.[133] Once it has provided notice, the tow company may sell the vehicle.

APPENDIX B: PUBLIC RECORDS REQUESTS AND DATA COLLECTION

Starting in Spring 2017, the authors submitted California Public Records Act (CPRA)[134] requests to thirty five state and local agencies, seeking records related to government-ordered towing. The purpose of these requests was to gather data and records that would allow us to:

1. **Analyze the structure, finances, processes, and impact of local towing programs;**
2. **Compare towing programs across jurisdictions;**
3. **Measures the scale and scope of government-ordered tows and towing-related lien sales statewide;**
4. **Assess the most common authorities for towing used locally and statewide and compare the outcomes and impacts of different types of tows.**

UNSUCCESSFUL CPRA REQUESTS TO STATE AGENCIES

Attempts to collect statewide towing and lien sale data and records from state agencies were unsuccessful. We sought records and data from the California Department of Justice's Stolen Vehicle System, which tracks information about certain impounded vehicles throughout the state, relying on the California Law Enforcement Telecommunications System (CLETS). In response to a request for related records, however, the Department of Justice asserted that "any information transmitted via CLETS to or from the Stolen Vehicles System is confidential and exempt from disclosure [under the CPRA]." The Department of Justice also explained that it does not "process or store reports on towed/impounded vehicles on a regular (daily, weekly, monthly, yearly, etc.) basis." The authors are unaware of any other agency that compiles or maintains statewide data on the towing practices of public agencies.

We also sought data from the California Department of Motor Vehicles (DMV), which receives notifications and applications from lienholders. These records would allow the DMV to track the number of vehicles sold at lien sale as a result of government-ordered tows. In response to the authors' request, the DMV explained that it "does not track that information or electronically note it in Department databases." The DMV would not conduct a manual search of lien sale files to identify liens triggered by government tows on the ground that doing so would be unduly burdensome and therefore not required under the CPRA.

CPRA REQUESTS TO LOCAL AGENCIES

The authors also submitted requests to the 30 cities and counties listed below, whose jurisdictions include the most populated cities and metropolitan regions in California.

- California Highway Patrol
- City of Anaheim
- City of Berkeley
- City of Chula Vista
- City of Fontana
- City of Fremont

- City of Fresno
- City of Garden Grove
- City of Huntington Beach
- City of Irvine
- City of Long Beach
- City of Los Angeles
- City of Modesto
- City of Oakland
- City of Oxnard
- City of Riverside
- City of Sacramento
- City of San Diego
- City of San Francisco
- City of San Jose
- City of Santa Ana
- City of Stockton
- Alameda County
- Los Angeles County (Los Angeles County Sheriff's Department)
- Orange County
- Sacramento County
- San Bernardino County (San Bernadine Sheriff's Department)
- Santa Clara County

These requests sought records related to local governments and local agencies' (1) contracts with private towing companies; (2) policies, procedures, and fees for towing, storing, and releasing vehicles; (3) guidelines for post-tow hearings; and (4) policies for low-income fee waivers or reductions, if any.

We also requested records tracking every tow and impound ordered by these agencies since August 2015, including as much of the following information as possible:

a. Date/time request of tow;

b. Which entity ordered the tow;

c. Citation/reason for towing;

d. Citation fees;

e. Location from which vehicle was towed;

f. Vehicle's make, model, year, license, VIN;

g. Owner's address, age, or any other available information;

h. Destination to which vehicle was towed;

i. Date/time tow unit arrives at storage facility;

j. Date/time of release of vehicle;

k. Fees for towing and storage;

l. Method of payment;

m. Whether the tow was contested, in what manner it was contested (in writing, in person hearing), whether tow was successfully contested;

n. Unique identifier for that tow, where applicable.

Finally, our CPRA requests to local agencies sought records related to all government-towed vehicles that were sold at lien sale during the same period, including:

a. The value of the assessed vehicle;

b. The total amount of tow and storage fees due at the time of sale;

c. The total amount of parking ticket, registration or other fees due at the time of sale;

d. The amount the vehicle sold for at auction;

e. Any deficiency debt, if applicable.

The contracts, policies, and guidelines provided in response to these CPRA requests inform much of the analysis presented in Chapters I, II, and V, specifically the analyses of the fees charged by local towing programs and the impact on city budgets.

We received towing data from approximately 20 different agencies, which provided source material for the data analysis presented in Chapters IV and V. The methodology for processing this data is discussed below.

With regards to data on lien sales, most public agencies that responded to our CPRA requests provided very little – if any – data about lien sales of impounded vehicles. With very few exceptions, the public agencies responded to requests for lien sale data by maintaining that the records of these sales were maintained by the private contractors that tow and store the vehicles and carry out the lien sales. As such, the agencies asserted that these records are not public records that must be disclosed under the CPRA.

CPRA REQUESTS TO PUBLIC AGENCIES IN LOS ANGELES

Given the volume of tows conducted in the City of Los Angeles (approximately 100,000 per year), the authors made several efforts to obtain towing data from public agencies in Los Angeles. The LAPD did not respond to our 2017 request. In 2018, we sent a similar request to the Los Angeles Department of Transportation and the Los Angeles Police Commission, which oversees the Official Police Garages, the entities that contract with the City of Los Angeles to tow vehicles.

As of the date of publication, the Los Angeles Department of Transportation has not provided a substantive response or any data in response to this request. The Police Commission responded by producing some data, which is discussed in Appendix C and also forwarded the request to the LAPD for a response.

The Los Angeles Police Department responded to this second request in January 2019 but refused to produce any responsive documents. This is consistent with the LAPD's longstanding refusal to release towing data on the ground that the Official Police Garages, rather than the LAPD, compile data related to the city's towing practices. Although the data comes from LAPD records and the City's contract with the OPGs allow the City to access this data at any time, Official Police Garages as private entities are not themselves subject to the Public Records Act. Because the CPRA does not require the City to produce OPG data, the City has repeatedly refused to do so.[135]

APPENDIX C: CATEGORIES OF TOWS, DATA PROCESSING, AND DATA ANALYSIS

Since Fall 2017, the authors, including data scientists and statisticians from Analysis Group, have been studying records received from the CPRA requests described above. Ultimately, we analyzed unique data sets from over twenty different state and local agencies. This appendix describes our methodology for processing and analyzing these records.

Interpreting and resolving the idiosyncrasies of towing data from different agencies was labor intensive and often involved back-and-forth communications with agency officials in order to resolve questions about data storage, codes, and abbreviations. This appendix does not attempt to offer a comprehensive review of every agency's data sets. Instead, it provides an overview of how the authors resolved these interpretive issues. Please contact Lawyers' Committee for Civil Rights of the San Francisco Bay Area for details about specific data sets.

DATA PROCESSING: TOWING RECORDS

As described above, the authors submitted CPRA requests for towing records to public agencies throughout the state. In response, a number of agencies responded that they store their towing records in physical files. They refused to produce responsive documents, asserting various CPRA exemptions, including the position that the production of the documents would be unduly burdensome

Moreover, some of the towing data sets that *were* produced could not be analyzed. First, some agencies provided paper records or image files that could not be converted into delimited data files in the timeframe available. Second, many agencies do not track the authority or basis for their tows in the data sets they provided. Finally, some track the authority for certain types of tows, but not others. Because the goal of our analyses was to break the data into categories based on the authority or basis for the tow, we did not process or analyze some of these data sets.

Ultimately, the authors were able to fully process and analyze towing data from nine cities (Berkeley, Chula Vista, Fontana, Fremont, Garden Grove, Huntington Beach, San Diego, San Francisco, and Santa Ana), two counties (Alameda and Riverside), and the California Highway Patrol. Our analysts also reviewed incomplete data sets from other cities, including Fresno and Los Angeles. Each of these agencies stores its towing data in different forms, tracks different types of information, and, most importantly, lists the authority or basis for the tow in different ways. After converting the data sets from these agencies into delimited text files, we sanitized these unique data sets by creating consistent categories for the information tracked in agency-specific records. We also collapsed the data to the level of unique tows, where each row or observation represented the tow of a single vehicle. Variables relevant to our analysis were determined to be: an identifier for a unique tow, the time and date of the tow, and the reason for the tow as specified by a statutory authority code.

Similarly, the authors removed all data related to purely private tows (e.g. vehicles that were not towed as a result of a government order) and all data tracking the seizure of bicycles, boats, and construction equipment. Note that mopeds, motorcycles, vans, RVs and trucks *are* included in the data analyzed. The majority of data analysis was conducted in MS Excel, while data processing steps in certain cases were done using software programs such as SAS and R.

DATA PROCESSING: CATEGORIES AND MAPPING TOW DATA

In order to sanitize the local towing data sets, the authors created **ten** master categories – or types of tows – based on a public agency's authority to seize the vehicle and mapped the towing data sets to these categories. This created a framework to analyze towing practices within and across different jurisdictions. These categories cover every possible statutory authority for government-ordered tows.

1. Flow of Traffic
    - **Definition:** Vehicle towed based on a parking violation that obstructs the flow of traffic, impedes commercial activity or construction, and/or endangers public safety.
    - **Examples:** Vehicle unattended on bridge; vehicle blocking roadway; vehicle blocking handicapped parking spot; vehicle blocking entrance to construction zone.
    - **Statutory Authority:** California Vehicle Code sections 22651(a), 22651(b), 22651(d), 22651(e), 22651(f), 22651(l), 22651(m), 22651(n), 22651(q), 22651(r), 22656.
2. Criminal Investigation
    - **Description:** Vehicle seized and impounded as evidence in a criminal investigation or because the driver was arrested and could not safely leave the vehicle at the place of arrest.
    - **Examples:** DUI tows, drag racing tows, recovery of stolen vehicles, driver arrest.
    - **Statutory Authority:** California Vehicle Code sections 14602.7, 22651(c), 22651(h), 22655.5, 23109.2.
    - **Note:** Driving on a suspended license and driving without proper registration can both be criminal offenses. However, these offenses also create an independent basis for towing the offender's vehicles. Therefore, tows related to these offenses are categorized as License Suspension and Registration Tows, as described below.
3. Abandoned Vehicle
    - **Description:** Vehicle towed based on government authority to seize and impound vehicles that an officer reasonably believes to be abandoned, and vehicles towed after traffic accidents or because the driver was incapacitated.
    - **Examples:** Vehicle abandoned on public road, car accident, driver incapacitated.
    - **Statutory Authority:** California Vehicle Code sections 22651(g), 22660, 22669.
    - **Note:** The Flow of Traffic category (above) and 72-Hour Ordinance category (below) cover tows that do not require that a vehicle be "abandoned" and are therefore distinguishable from this category. Also note that this category was combined into the "Other" category in many of the charts and graphs presented in the report.

4. License Suspension

   - Description: Vehicle towed and/or impounded because driver was unlicensed, driving on a suspended license, or violating the terms of a restricted license.
   - Examples: Unlicensed driver, driving on a suspended license, driving without required BAC ignition lock.
   - Statutory Authority: California Vehicle Code sections 14602.6, 22651(p).

5. Debt Collection

   - **Description**: Vehicles towed because registered owner had five or more outstanding (unpaid) parking citations issued by authorizing agency, or failed to pay parking fee for municipal garage.
   - **Statutory Authority**: California Vehicle Code section 22651(i).
   - **Note**: This category was narrowly drawn to correspond only to tows authorized by section 22651(i). The only addition was for tows based on a failure to pay parking fees for a municipal garage.

6. Registration

   - **Description**: Vehicles towed and/or impounded because its registration was more than six months expired, it was never registered, it was missing license plates, or it had false, forged, or altered registration or license plates.
   - **Statutory Authority**: California Vehicle Code sections 22651(j) and 22651(o).

7. 72-Hour Ordinance

   - **Description**: Vehicle towed because it was "parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal."
   - **Statutory Authority**: California Vehicle Code section 22651(k).

8a. Other (Miscellaneous)

   - **Description**: Authority for tow based on preventing public nuisance or another regulatory authority of local government.
   - **Statutory Authority**: California Vehicle Code sections 22651(u) (unlicensed dealer offering vehicle for sale) and 22651.5 (vehicle's alarm or horn has been activated for more than twenty minutes).

8b. Other (Indeterminate or Unspecified)

   - **Description**: Description of authority for tow in data set insufficient to categorize.
   - **Examples**: "REC1030," "REC1085.B." "Towed/Stored," "Electronic Impound," "Vehicle Code," "O."

9. **Multi-Reason (Debt-Collection, Registration, 72-Hour Rule)**

    - **Description:** Data entry references multiple authorities for tow, including at least one authority that can be categorized as Debt-Collection, Registration, or 72-Hour Rule.
    - **Example:** Tow authorized because vehicle's registration had lapsed and because of outstanding parking tickets on file ("SCOF/22651.I-O").

10. **Multi-Reason (Other)**

    - **Description:** Data entry references multiple authorities for tow, but does not reference any authority that could be categorized as Debt-Collection, Registration, or 72-Hour Rule.
    - **Example:** Tow authorized because driver was unlicensed *and* arrested for a DUI.
    - **Note:** This category was combined into the "Other" category in many of the charts and graphs presented in the report.

We then "mapped" the data sets so that every tow was assigned to one of these categories. This was accomplished by first isolating the column in each data set that lays out the reason for the tow – usually described as the "authority" or "offense" – and matching every unique description in every data set to a category based on the guidelines set out above.

Data from some agencies include the specific statutory authority for each tow (e.g. "CVC § 22651(h)), which could be easily mapped to the relevant category. Other data sets, however, listed the offense that triggered the tow, which required an additional step. For example, a number of data sets listed Vehicle Code section 4000(a) as the "offense" for a significant number of tows. This section makes it a citable offense to drive a vehicle that has not been properly registered as required by California's Vehicle Code. This section does not, however, specifically authorize officials to tow the vehicle; that authority is set out in Vehicle Code sections 22651(j) and 22651(o). By reviewing the text of the statute cited as the "offense," however, the authors were able to map the "offense" of violating section 4000(a) tows to the Registration category. The authors also cleaned up obvious typos as part of this mapping process. For example, one agency repeatedly cited to subsections of Vehicle Code section 226651. That code section does not exist, and the agency plainly meant to cite Vehicle Code section 22651.

The Criminal Investigation category includes tows where the only authority or offense limited is a criminal offense – or a citable offense under the Vehicle Code – unrelated to the flow of traffic or any other authority for tow. For example, in a number of data sets, the only authority or offense listed for a tow is Penal Code section 459 (burglary) or Vehicle Code section 20001(a) (hit and run). Without any other information about circumstances that would authorize a tow, the authors assumed that the basis for the tow was the underlying arrest and/or criminal investigation.

The authors also contacted a number of agencies directly in order to get assistance interpreting abbreviations and codes that were frequently listed as the offense or authority for the tow. For example, the Fremont Police Department's towing records uses the abbreviation "OVR" to refer to stolen vehicles that have been recovered and stored through the Outside Vehicle Recovery program. We attempted to contact every agency that used these type of abbreviations, codes, or radio codes to properly interpret the data.

Finally, the authors and analysts deployed two different strategies to map and categorize the data sets that listed multiple offenses or authorities for a single tow. Where multiple-offense tows made up less than 10% of the total data, we used the "Multi-Reason Tow" categories described above and separated out those tows that included one or more of the "poverty tow" reasons discussed in this report. If *more* than 10% of the data set included tows with multiple offenses listed, we conducted a tiered review. First, we filtered out those tows that listed one or more Tier 1 offenses – citations to a specific source of statutory authority for towing a vehicle (e.g. Vehicle Code section 22651(c) – recovery of a stolen vehicle). We then categorized the tow based on that Tier 1 offense or as a Multi-Reason Tow if it listed multiple Tier 1 offenses. For the data entries that remained, we filtered for Tier 2 offenses – violations of the Vehicle Code that necessarily trigger a basis for tow (e.g. Vehicle Code section 4000(a), which, as discussed above, would create authority for a Registration tow). We then categorized the tow based on that Tier 2 offense or as a Multi-Reason Tow if it listed multiple Tier 2 offenses. Last we reviewed the remaining tows, which only listed Tier 3 offenses. We then categorized the tow based on those remaining offenses, which generally included only criminal statutes. If multiple Tier 3 offenses were listed, and they suggested conflicting towing categories, we mapped the tow in one of the Multi-Reason categories.

TOWING ANALYSIS

The towing analysis involved breaking down the count of unique tows by different categories of towing reason (as specified above). This enabled an examination of the distribution of tows and the particular reasons cited by the specific towing authority across different cities and counties of California. In particular, tows could be identified as "poverty tows" where the motivating reason was unpaid parking tickets, lapsed registration, and 72-hour ordinances.

In addition to finding the number of tows for each reason in each city's data, the count of unique tows was further broken out by year. This allows for an examination of how towing activity trends differ across years as well as provide a more valid comparison across cities that have provided towing data for varying time spans.

DATA PROCESSING: LIEN SALE RECORDS

As explained above, very few agencies provided any lien sale data. In fact, we only received data sets with lien sale information from San Francisco, San Diego, Riverside County, and Modesto. Unfortunately, the data from the City of Modesto was provided in hard copy, and our analysts were not able to process these records into delimited text files. For San Francisco, San Diego, and Riverside County, the Authors reviewed the data sets and identified columns tracking (1) whether the vehicle was released to its owner, repossessed by the "legal owner," or sold at lien sale, (2) the sale price for the vehicle, and (3) the amount of fees that the vehicle had accrued. As with the towing records, we also made a number of phone calls to public agencies to confirm that we were properly interpreting these data sets.[136]

LIEN SALE ANALYSIS

In cases where the data was available, the final outcome of a towed vehicle was analyzed. This involved identifying whether a vehicle was returned to the owner for a particular fee amount or if the car was sold by the towing authority (or a contracted towing company) at an auction or at market.

The proportion of vehicles released to the owner versus those sold were once again broken down by tow reason, with the aim of identifying which reasons were seen to be more frequently associated with a particular outcome of the vehicle. This analysis was also broken out across different years of observation.

In addition, the average amount of fees due was analyzed independently for released and sold cars, again broken out by reason category. This particular exhibit helped isolate reasons associated with larger fee amounts collected in all outcomes involving a towed vehicle. While the fees due for a released car refers to the amount required to be paid for an owner to retrieve his or her car, fees due for a sold car typically involved fees accumulated over time due to storage reasons. In certain cases, such as San Diego, the average sale price of towed vehicles by reason category was also provided.

METHODOLOGY FOR LOS ANGELES TOWING ANALYSIS

As described above, the Los Angeles Police Commission was the only agency in the City of Los Angeles to produce responsive data. The Commission produced monthly reports submitted by the City's 19 Official Police Garages (OPG Reports) for a three-year period. However, during our research phase, the Commission failed to produce approximately 300 of these reports, which covered random months during the three year period.[137]

After processing the reports that *were* provided and converting them into a delimited text file, we conducted a manual review to remove redundant or duplicative reports. Next, in order to approximate data from the missing reports, we calculated the average number of vehicles impounded in each garage for a given year. We then used these monthly averages to make up for any missing monthly and to make projections for annual estimates, for each garage and for the city as a whole.[138]

APPENDIX D: STATEWIDE PROJECTIONS – METHODS AND FINDINGS

Of the 12 jurisdictions with tow-level data, 2 are counties (Riverside and Alameda), 1 is the California Highway Patrol, and 1 (Fremont) does not have a year variable. For the eight remaining cities, data were typically spanned mid-2015 to mid-2018, therefore this analysis focuses on the years 2016 and 2017. However, for Berkeley and San Francisco, 2017 data were only available for 5 and 3 months respectively. Therefore, we estimated the full year towing counts for these two cities in 2017 by taking the average towing counts per month and multiplying that by 12 in order to estimate a full year.

We then calculate and define towing rates in a particular year as the number of vehicles towed in that year divided by the number of vehicles registered in 2018.[139]

$$Towing\ Rate\ in\ year\ T\ in\ city = \frac{Number\ of\ vehicles\ towed\ in\ year\ T\ in\ city}{Number\ of\ vehicles\ registered\ in\ 2018\ in\ city}$$

In 2016, this value ranged from a low of 0.57 percent (Fontana) to a high of 9.17 percent (San Francisco). The lowest rate in 2017 was 0.36 percent (Fontana) and the highest was 6.87 percent (San Francisco).

For 2016, the simple and weighted average of these rates across the eight cities were 2.93 percent and 3.24 percent, respectively. The weighted average scales towing rates according to the city's number of registered vehicles. Applying these average tow rates to the number of cars registered in California in 2018 yields estimates of annual tows in California of 886,014 and 979,858, respectively.

$$886{,}014 = 2.93\% \times 30{,}228{,}340$$

$$979{,}858 = 3.24\% \times 30{,}228{,}340$$

Taking the city as the unit of observation, and assuming that (i) towing rates in California are similar across cities and that (ii) the sample of cities we study here was randomly selected, we can estimate a confidence interval for the towing rate.[140] Under these assumptions, a 90 percent confidence interval around the simple average suggests that the number of cars towed across the state in 2018 was between 305,037 and 1,466,992.[141] Similarly, a 90% confidence interval around the weighted average suggests that the number of cars towed across the state was between 192,100 and 1,767,615 in 2018. These confidence intervals use critical values from a t distribution due to the small sample (n=8).[142]

FORMULA: VARIANCE OF A WEIGHTED MEAN

Suppose that $x_1, \ldots, x_n$ is an i.i.d. sample with $E[\bar{x}_i] = \mu$ and $Var(x_i) = \sigma^2$. Let $\bar{x}_w$ be the weighted sample mean, with weights w_i such that:

$$\sum_{i=1}^{n} w_i = 1$$

$$\bar{x}_w = \sum_{i=1}^{n} w_i x_i,$$

It is easy to see that $E[\bar{x}_w] = \mu$. The following proves that $Var(\bar{x}_w) = \sigma^2 \sum_{i=1}^{n} w_i^2$.

$$Var(\bar{x}_w) = Var\left(\sum_{i=1}^{n} w_i x_i\right) = \sum_i \sum_j w_i w_j Cov(x_i, x_j)$$

Since the x_i's are i.i.d., it follows that for all $i \neq j$, $Cov(x_i, x_j) = 0$. The remaining terms are simply the variances, since $Cov(x_i, x_i) = Var(x_i)$.

$$Var(\bar{x}_w) = \sum_{i=1}^{n} w_i^2 Var(x_i) = \sum_{i=1}^{n} w_i^2 \sigma^2$$

Note that this formula simplifies to the more common formula for the variance of a sample mean ($\frac{\sigma^2}{n}$) when $w_i = \frac{1}{n}$:

$$Var(\bar{x}_w) = \sum_{i=1}^{n} \left(\frac{1}{n}\right)^2 \sigma^2 = \sigma^2 \frac{n}{n^2} = \frac{\sigma^2}{n}$$

For 2017, the simple and weighted average of these rates across the eight cities 2.65 percent and 2.86 percent respectively. The 90 percent confidence interval around the simple average suggests that the number of cars towed across the state in 2018 was between 369,545 and 1,234,011. Similarly, a 90% confidence interval around the weighted average suggests that the number of cars towed across the state was between 324,357 and 1,406,411 in 2018. The analyses underlying the 2016 and 2017 statewide projections are set out in full below.

STATEWIDE ANALYSIS (2016)

TOWING COUNTS BY CATEGORY (2016)

REASON CATEGORY	BERKELEY	CHULA VISTA	FONTANA	GARDEN GROVE	HUNTINGTON BEACH	SANTA ANA	SAN DIEGO	SAN FRANCISCO	TOTAL
Multi-Reason Low Income	0	0	26	0	30	92	0	0	148
Multi-Reason Other	0	0	432	0	31	4	0	0	467
Registration/Debt Collection	0	0	0	0	0	0	0	359	359
Other	18	14	2	24	196	2	77	207	540
Abandoned Vehicle	23	40	0	24	8	10	484	917	1,506
Debt Collection	74	1	0	0	15	69	1,346	1,725	3,230
72 Hour Ordinance	486	344	0	189	203	2	2,144	887	4,255
Unspecified	60	0	0	240	5,326	13	0	2	5,641
License Suspension	296	708	543	96	114	181	3,160	1,479	6,577
Registration	492	947	6	327	648	796	5,107	1,538	9,861
Criminal Investigation	352	721	26	961	420	382	4,030	3,679	10,571
Flow of Traffic	968	154	2	120	167	27	5,206	31,571	38,215
TOTAL	**2,769**	**2,929**	**1,037**	**1,981**	**7,158**	**1,578**	**21,554**	**42,364**	**81,370**

NOTE(S):
[1] Though data are available for 4 other jurisdictions, they were removed from the statewide analysis due to them being county-level data (Alameda, Riverside), the California Highway Patrol, or lacking a year indicator (Fremont).

TOWING RATES AND COUNTS (2016)

PERCENT TOWED OUT OF REGISTERED VEHICLES [# of Tows / Registered Vehicles] | **OVERALL TOW RATE** | **OVERALL TOW COUNTS** [Tow Rate *Vehicles Registered in CA]

REASON CATEGORY	BERKELEY	CHULA VISTA	FONTANA	GARDEN GROVE	HUNTINGTON BEACH	SANTA ANA	SAN DIEGO	SAN FRANCISCO	AVERAGE (SIMPLE)	AVERAGE (WEIGHTED)	MIN	MEDIAN	MAX	AVERAGE (SIMPLE)	AVERAGE (WEIGHTED)	MIN	MEDIAN	Max
Multi-Reason Low Income	0.00%	0.00%	0.01%	0.00%	0.02%	0.04%	0.00%	0.00%	0.01%	0.01%	0.00%	0.00%	0.04%	2,577	1,782	0	0	10,986
Multi-Reason Other	0.00%	0.00%	0.24%	0.00%	0.02%	0.00%	0.00%	0.00%	0.03%	0.02%	0.00%	0.00%	0.24%	9,693	5,624	0	0	71,564
Registration/Debt Collection	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.08%	0.01%	0.01%	0.00%	0.00%	0.08%	2,937	4,323	0	0	23,494
Other	0.03%	0.01%	0.00%	0.02%	0.12%	0.00%	0.01%	0.04%	0.03%	0.02%	0.00%	0.01%	0.12%	8,279	6,503	239	3,791	34,788
Abandoned Vehicle	0.03%	0.02%	0.00%	0.02%	0.00%	0.00%	0.05%	0.20%	0.04%	0.06%	0.00%	0.02%	0.20%	12,232	18,135	0	5,580	60,012
Debt Collection	0.10%	0.00%	0.00%	0.00%	0.01%	0.03%	0.13%	0.37%	0.08%	0.13%	0.00%	0.02%	0.37%	24,396	38,896	0	5,451	112,890
72 Hour Ordinance	0.69%	0.17%	0.00%	0.14%	0.12%	0.00%	0.21%	0.19%	0.19%	0.17%	0.00%	0.15%	0.21%	57,173	51,239	0	46,057	63,024
Unspecified	0.08%	0.00%	0.00%	0.18%	3.13%	0.01%	0.00%	0.00%	0.42%	0.22%	0.00%	0.00%	3.13%	128,231	67,929	0	842	945,301
License Suspension	0.42%	0.34%	0.30%	0.07%	0.07%	0.07%	0.31%	0.32%	0.24%	0.26%	0.07%	0.30%	0.32%	71,596	79,200	20,234	91,421	96,791
Registration	0.70%	0.46%	0.00%	0.24%	0.38%	0.31%	0.50%	0.33%	0.37%	0.39%	0.00%	0.36%	0.50%	110,384	118,746	994	107,832	150,123
Criminal Investigation	0.50%	0.35%	0.01%	0.70%	0.25%	0.15%	0.39%	0.80%	0.39%	0.42%	0.01%	0.37%	0.80%	119,070	127,296	4,307	111,866	240,768
Flow of Traffic	1.37%	0.07%	0.00%	0.09%	0.10%	0.01%	0.51%	6.84%	1.12%	1.52%	0.00%	0.09%	6.84%	339,448	460,185	331	28,119	2,066,125
TOTAL	**3.92%**	**1.41%**	**0.57%**	**1.45%**	**4.20%**	**0.62%**	**2.10%**	**9.17%**	**2.93%**	**3.24%**	**0.57%**	**1.77%**	**9.17%**	**886,014**	**979,858**	**171,787**	**536,329**	**2,772,459**

									Total Registered in CA
# of Registered Vehicles	2,510,242	70,654	207,038	182,475	136,386	170,312	253,150	1,028,329	461,898	30,228,340
Registered Vehicles as a % of CA	8.304%	0.23%	0.68%	0.60%	0.45%	0.56%	0.84%	3.40%	1.53%	
Number of Tows, if City Rate Represents All of CA [City Tow Rate * Registered Vehicles in CA]		1,184,678	427,645	171,787	439,065	1,270,459	188,427	633,593	2,772,459	7,088,114

STATEWIDE ANALYSIS (2016)

90% CONFIDENCE INTERVAL OF THE SIMPLE AVERAGE

INPUTS	
T-test Reliability Coefficient [t]	1.895
Standard Deviation of City Tow Rates [s]	0.02869
Sample Size [n]	8
Calculated Confidence [t *(s/sqrt(n))]	0.019220

CALCULATIONS	Lower Bound	Upper Bound
Confidence Interval (**Rate**) [Simple Average ± .019]	1.01%	4.85%
Confidence Interval (**Count**) [Rate * Registered Vehicles in CA]	305,037	1,466,992

SOURCE(S):
Wayne W. Daniel. *Biostatistics: A Foundation for Analysis In the Health Sciences*. 6th ed. New York: Wiley & Sons, 1995, p. 158-160.

90% CONFIDENCE INTERVAL OF THE WEIGHTED AVERAGE

INPUTS	
T-test Reliability Coefficient [t]	1.895
Standard Deviation of City Tow Rates [s]	0.02869
Sum of weights^2	0.47938933
Calculated Confidence [t * (s*sqrt(sum of weights^2))]	0.026060

CALCULATIONS	Lower Bound	Upper Bound
Confidence Interval (**Rate**) [Weighted Average ± .026]	0.64%	5.85%
Confidence Interval (**Count**) [Rate * Registered Vehicles in CA]	192,100	1,767,615

SOURCE(S):
Wayne W. Daniel. *Biostatistics: A Foundation for Analysis In the Health Sciences*. 6th ed. New York: Wiley & Sons, 1995, p. 158-160.

STATEWIDE ANALYSIS (2017)

TOWING COUNTS BY CATEGORY (2017)

REASON CATEGORY	BERKELEY	CHULA VISTA	FONTANA	GARDEN GROVE	HUNTINGTON BEACH	SANTA ANA	SAN DIEGO	SAN FRANCISCO	TOTAL
Multi-Reason Low Income	0	0	24	0	32	120	0	0	176
Registration/Debt Collection	0	0	0	0	0	0	0	276	276
Multi-Reason Other	0	0	243	0	27	7	0	0	277
Other	29	12	0	74	211	4	67	76	473
Abandoned Vehicle	24	46	0	26	6	14	490	756	1,362
Debt Collection	125	2	0	0	21	86	908	1,792	2,934
72 Hour Ordinance	379	389	0	213	231	5	2,348	840	4,405
Unspecified	12	1	0	273	4,663	14	0	0	4,963
License Suspension	286	711	365	112	101	261	3,057	3,536	8,429
Criminal Investigation	329	636	15	1,162	442	402	3,776	2,228	8,990
Registration	588	997	10	428	642	1,086	5,633	1,352	10,736
Flow of Traffic	982	172	0	147	211	30	6,442	20,860	28,844
TOTAL	**2,753**	**2,966**	**657**	**2,435**	**6,587**	**2,029**	**22,721**	**31,716**	**71,864**

NOTE(S):

[1] Though data are available for 4 other jurisdictions, they were removed from the statewide analysis due to them being county-level data (Alameda, Riverside), the California Highway Patrol, or lacking a year indicator (Fremont).

[2] For Berkeley and San Francisco, data were only available for 5 and 3 months, respectively. An estimation of a full year of tows for these two cities is created by taking the numbers of cars towed, divided by the number of available months of data, and multiplied by 12 to estimate a full year.

TOWING RATES AND COUNTS (2017)

PERCENT TOWED OUT OF REGISTERED VEHICLES [# of Tows / Registered Vehicles] | **OVERALL TOW RATE** | **OVERALL TOW COUNTS** [Tow Rate * Vehicles Registered in CA]

REASON CATEGORY	BERKELEY	CHULA VISTA	FONTANA	GARDEN GROVE	HUNTINGTON BEACH	SANTA ANA	SAN DIEGO	SAN FRANCISCO	AVERAGE (SIMPLE)	AVERAGE (WEIGHTED)	MIN	MEDIAN	MAX	AVERAGE (SIMPLE)	AVERAGE (WEIGHTED)	MIN	MEDIAN	MAX
Multi-Reason Low Income	0.00%	0.00%	0.01%	0.00%	0.02%	0.05%	0.00%	0.00%	0.01%	0.01%	0.00%	0.00%	0.05%	2,998	2,119	0	0	14,329
Registration/Debt Collection	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.06%	0.01%	0.01%	0.00%	0.00%	0.06%	2,258	3,324	0	0	18,062
Multi-Reason Other	0.00%	0.00%	0.13%	0.00%	0.02%	0.00%	0.00%	0.00%	0.02%	0.01%	0.00%	0.00%	0.13%	5,735	3,336	0	0	40,255
Other	0.04%	0.01%	0.00%	0.05%	0.12%	0.00%	0.01%	0.02%	0.03%	0.02%	0.00%	0.01%	0.12%	9,418	5,693	0	3,472	37,450
Abandoned Vehicle	0.03%	0.02%	0.00%	0.02%	0.00%	0.01%	0.05%	0.16%	0.04%	0.05%	0.00%	0.02%	0.16%	11,170	16,401	0	6,239	49,475
Debt Collection	0.18%	0.00%	0.00%	0.00%	0.01%	0.03%	0.09%	0.39%	0.09%	0.12%	0.00%	0.02%	0.39%	26,456	35,329	0	6,998	117,275
72 Hour Ordinance	0.54%	0.19%	0.00%	0.16%	0.14%	0.00%	0.23%	0.18%	0.18%	0.18%	0.00%	0.17%	0.23%	53,979	53,047	0	51,091	69,021
Unspecified	0.02%	0.00%	0.00%	0.20%	2.74%	0.01%	0.00%	0.00%	0.37%	0.20%	0.00%	0.00%	2.74%	111,886	59,764	0	909	827,627
License Suspension	0.40%	0.34%	0.20%	0.08%	0.06%	0.10%	0.30%	0.77%	0.28%	0.34%	0.06%	0.25%	0.77%	85,206	101,497	17,926	75,164	231,409
Criminal Investigation	0.47%	0.31%	0.01%	0.85%	0.26%	0.16%	0.37%	0.48%	0.36%	0.36%	0.01%	0.34%	0.85%	109,602	108,255	2,485	101,928	257,544
Registration	0.83%	0.48%	0.01%	0.31%	0.38%	0.43%	0.55%	0.29%	0.41%	0.43%	0.01%	0.40%	0.55%	123,918	129,283	1,657	121,813	165,585
Flow of Traffic	1.39%	0.08%	0.00%	0.11%	0.12%	0.01%	0.63%	4.52%	0.86%	1.15%	0.00%	0.12%	4.52%	259,152	347,335	0	35,015	1,365,157
TOTAL	**3.90%**	**1.43%**	**0.36%**	**1.79%**	**3.87%**	**0.80%**	**2.21%**	**6.87%**	**2.65%**	**2.86%**	**0.36%**	**2.00%**	**6.87%**	**801,778**	**865,384**	**108,837**	**603,793**	**2,075,614**

									Total Registered in CA
# of Registered Vehicles	2,510,242	70,654	207,038	182,475	136,386	170,312	253,150	1,028,329	461,898	30,228,340
Registered Vehicles as a % of CA	8.304%	0.23%	0.68%	0.60%	0.45%	0.56%	0.84%	3.40%	1.53%	
Number of Tows, if City Rate Represents All of CA [City Tow Rate * Registered Vehicles in CA]		1,177,748	433,047	108,837	539,689	1,169,114	242,280	667,897	2,075,614	6,414,226

STATEWIDE ANALYSIS (2017)

90% CONFIDENCE INTERVAL OF THE SIMPLE AVERAGE

INPUTS	
T-test Reliability Coefficient [t]	1.895
Standard Deviation of City Tow Rates [s]	0.02135
Sample Size [n]	8
Calculated Confidence [t *(s/sqrt(n))]	0.014299

CALCULATIONS	Lower Bound	Upper Bound
Confidence Interval (**Rate**) [Simple Average ± .014]	1.22%	4.08%
Confidence Interval (**Count**) [Rate * Registered Vehicles in CA]	369,545	1,234,011

SOURCE(S):
Wayne W. Daniel. *Biostatistics: A Foundation for Analysis In the Health Sciences*. 6th ed. New York: Wiley & Sons, 1995, p. 158-160.

90% CONFIDENCE INTERVAL OF THE WEIGHTED AVERAGE

INPUTS	
T-test Reliability Coefficient [t]	1.895
Standard Deviation of City Tow Rates [s]	0.02135
Sum of weights^2	0.44254386
Calculated Confidence [t * (s*sqrt(sum of weights^2))]	0.017898

CALCULATIONS	Lower Bound	Upper Bound
Confidence Interval (**Rate**) [Weighted Average ± .017]	1.07%	4.65%
Confidence Interval **(Count)** [Rate * Registered Vehicles in CA]	324,357	1,406,411

SOURCE(S):
Wayne W. Daniel. *Biostatistics: A Foundation for Analysis In the Health Sciences*. 6th ed. New York: Wiley & Sons, 1995, p. 158-160.

ENDNOTES

1 Board of Governors of the Fed. Reserve Sys., *Report on the Economic Well-Being of U.S. Households in 2017*, at 21 (2018), *available at* https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf.

2 The average fees and range of fees presented in this table are based on an analysis of fees in seven cities (Sacramento, San Francisco, San Diego, Modesto, Los Angeles, San Jose, Garden Grove).

3 Some cities charge both an administrative fee – collected at the tow yard – and a "release fee" collected by the police department or transit authority before the owner can retrieve their vehicle from the tow yard.

4 Studies suggest that the three days is the average amount of time it takes a driver to recover their vehicle. Dianne Kelley, Sharon Muravez, Regi Block, Hilda Dallal & Ronnie Dann-Honor, 2016 – 2017 Los Angeles County Civil Grand Jury, *Tows and Impounds, Part A: Impound Practices In Twelve Select Cities, in 2016 – 2017 Los Angeles County Civil Grand Jury, Final Report* 194 (2017).

5 Los Angeles: https://ladot.lacity.org/what-we-do/parking/parking-tickets ("The average ticket is $68 Late fees typically double the cost of a parking ticket.") Modesto: In a phone interview with an employee at the Modesto City Clerk's office on March 4, 2019 these figures were given as the average price of a "basic parking citation" and the standard late fee. Berkeley: https://www.cityofberkeley.info/parkingcitations/ (The average ticket cost was calculated by taking the average of all parking violations, excluding the disabled placard violations. Parking ticket late fees in Berkeley start at $30 after 30 days, and are then raised to $80 after 49 days.).

6 *See* Cal. Lab. Code § 1182.12(b)(1)(C) (2017).

7 http://www.opgla.com/rates.aspx. Fee assumes standard vehicle and payment by credit card.

8 Listed storage fee includes the ten percent Parking Occupancy Tax. *See* Los Angeles Municipal Code § 21.15.1 et seq.

9 A driver may also be forced to pay a lien sale initiation fee of $70 (or $100 for a high-value vehicle) even if they recover their vehicle.

10 $120 is the minimum amount charged for a vehicle release from the Modesto Police Department. This is the amount charged for the release of vehicles towed because they were illegally parked or "abandoned." Modesto's release fees are substantially higher in other situations. They charge $160 for a release after a tow based on lapsed registration or driving without a license, and $250 for a tow related to driving on a suspended license or an arrest. Finally, the charge a $450 release fee for DUI tows. These fees are not listed online, but were reported in a phone call to the Modesto Police Department Traffic Unit on March 4, 2019.

11 http://www.sjpd.org/records/fees_public_safety.asp. The driver is also charged for "[a]ny additional tow handling charges." A driver may also be forced to pay a lien sale initiation fee of $70 (or $100 for a high-value vehicle) even if they recover their vehicle.

12 Fee assumes the impounded vehicle is stored outdoors. Vehicles stored indoors may be charged $95 each day.

13 Bryan Anderson, *Drivers are fed up with the DMV. So are California lawmakers*, Sacramento Bee, July 30, 2018, https://www.sacbee.com/article215605210.html.

14 *See, e.g.*, https://bakersfieldcity.us/gov/depts/police/traffic/vehicle_releases.htm (Bakersfield offices closed on weekends); http://ww1.stocktonca.gov/Departments/Police/Contact-Us/Contact-and-Hours-of-Service (Stockton offices closed on weekends and every other Friday); https://www.cityofredding.org/departments/police-department/about-the-police-department/frequently-asked-questions (follow "My car was towed. How do I find out where it is, and how do I get it back?") (Redding vehicle releases only available during normal business hours).

15 Diane Kelley *et al.*, *supra note* 4, at 195.

16 Overnight market rate parking costs were calculated by averaging the costs of overnight parking in all private garages and lots within a 3.5-mile radius of the city impound lot(s) for which data was available, drawing on city websites, Parkopedia, and Google Maps.

17 Cal. Veh. Code § 22850.5.

18 Jill Cornfield, *Bankrate Survey: Just 4 in 10 Americans have savings they'd rely on in an emergency*, BANKRATE (Jan. 12, 2017), https://www.bankrate.com/finance/consumer-index/money-pulse-0117.aspx.

19 *See* Appendix C for an explanation of the methodology used to make these estimates.

20 Cal. Veh. Code § 3072. The notice period is longer for vehicles valued more than $4000. Cal. Veh. Code §3071. *See* Appendix A for a detailed explanation of the notice requirements for lien sales.

21 This assumes a light-duty vehicle with a fair market value between $500 and $4,000 that was transferred to the City's auxiliary, long-term storage lot. The City's current policy is to transfer all vehicles to the long-term storage lot during the first thirty days of storage.

22 https://www.sfmta.com/sites/default/files/reports-and-documents/2018/07/autoreturn_notice_towing_and_storage_fees_2018-07-11.pdf.

23 This chart assumes a light-duty vehicle valued between $500 and $4,000, the most common value bracket. The chart also assumes that the vehicle owner does not qualify for a fee waiver.

24 This chart assumes a light-duty vehicle valued between $500 and $4,000, the most common value bracket. The chart also assumes that the vehicle owner does not qualify for a fee waiver.

25 San Francisco's auction fee is variable based on the purchase price of the vehicle. Because the average sale price for all vehicles sold at lien sale in San Francisco is approximately $700, this chart assumes a sale price between $500 and $999.99.

26 Cal. Veh. Code §§ 22850.5, 22851.1; 22651.07; Cal. Civ. Code § 3073.

27 The Pew Charitable Trusts, *The Role of Emergency Savings in Family Financial Security: How Do Families Cope With Financial Shocks?* 2 (2015), available at https://www.pewtrusts.org/-/media/assets/2015/10/emergency-savings-report-1_artfinal.pdf.

28 Board of Governors of the Fed. Reserve Sys., *supra* note 1, at 1.

29 The Pew Charitable Trusts, *supra* note 27, at 2.

30 Paul M. Ong, *Car Ownership and Welfare-To-Work* 3 (2001), citing Paul Ong & Evelyn Blumenberg, *The Transportation Welfare Nexus: Getting Welfare Recipients to Work* 24-35 (1999), available at https://escholarship.org/uc/item/3rs6p4gb.

31 *Id.* at 17–18.

32 Tami Gurley & Donald Bruce *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 Journal of Urban Economics 250, 258-262 (2005).

33 Evelyn Blumenberg, Gregory Pierce, Michael Smart, Casey Dawkins, Jae Sik Jeon, Eli Knaap, Rolf Pendall, Christopher Hayes, Arthur George & Zach McDade, *Driving to Opportunity: Understanding the Links Among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients* 3 (The Urban Institute eds., 2014).

34 Tami Gurley and Donald Bruce, *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 Journal of Urban Economics 250, 262 (2005).

35 Evelyn Blumenberg, Gregory Pierce, Michael Smart, Casey Dawkins, Jae Sik Jeon, Eli Knaap, Rolf Pendall, Christopher Hayes, Arthur George & Zach McDade, *Driving to Opportunity: Understanding the Links Among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients* 53 (The Urban Institute eds., 2014). *See also, 2011 Evaluation of the National Ways to Work Program* v (ICF International eds., 2011)(finding that 94% of low-income workers who received cars as part of a public assistance project reported that their new car helped to maintain or improve their employment circumstances).

36 ICF International, *Evaluation of the National Ways to Work Program* v, (2011).

37 *Id.*

38 William A. V. Clark & Wenfei Winnie Wang, *The Automobile, Immigrants, and Poverty: Implications for Immigrant Earnings and Job Access*, 31 Urban Geography, 534 (2010).

39 Evelyn Blumenberg & Gregory Pierce *The Drive to Work: The Relationship between Transportation Access, Housing Assistance, and Employment among Participants in the Welfare to Work Voucher Program*,Journal of Planning Education and Research, p. 69(2017).

40 Evelyn Blumenberg, Gregory Pierce, Michael Smart, Casey Dawkins, Jae Sik Jeon, Eli Knaap, Rolf Pendall, Christopher Hayes, Arthur George & Zach McDade *Driving to Opportunity: Understanding the Links Among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients*, (The Urban Institute), p. 2 (2014).

41 Steven Raphael & Lorien Rice *Car Ownership, Employment, and Earnings*, 52 Journal of Urban Economics, 111, (2002)

42 William A. V. Clark & Wenfei Winnie Wang *The Automobile, Immigrants, and Poverty: Implications for Immigrant Earnings and Job Access*, 31 Urban Geography, 535 (2010).

43 Evelyn Blumenberg, Gregory Pierce, Michael Smart, Casey Dawkins, Jae Sik Jeon, Eli Knaap, Rolf Pendall, Christopher Hayes, Arthur George & Zach McDade *Driving to Opportunity: Understanding the Links Among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients*, 2 The Urban Institute, 55, (2014).

44 Tami Gurley & Donald Bruce *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 Journal of Urban Economics, 265(2005).

45 According to the California Workers Survey, the "gig economy" is defined as as "being paid for performing miscellaneous tasks or providing services for others, such as shopping, delivering household items, assisting

with childcare, or driving for a ride-hailing app" Alex Vandermaas-Peeler, Daniel Cox, Maxine Najle, PhD, Molly Fisch-Friedman, Rob Griffin, PhD &Robert P. Jones, PhD, *California Workers Survey*, August 28, 2018. See also: Annette Bernhardt & Sarah Thomason ,*What do we know about Gig Work in California*, UC Berkeley Center for Labor Research and Education, (2017). distinguishing between traditional independent contractor work like freelance work with "platform work" based on work sourced from an online application.

46 Lawyers' Committee for Civil Rights *et al., Paying More for Being Poor: Bias and Disparity in California's Traffic Court System 2* (2017), https://www.lccr.com/wp-content/uploads/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf.

47 Tami Gurley & Donald Bruce *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 Journal of Urban Economics 262 (2005).

48 Tami Gurley & Donald Bruce *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 Journal of Urban Economics 262 (2005).; see also Evelyn Blumenberg & Gregory Pierce, *The Drive to Work: The Relationship between Transportation Access, Housing Assistance, and Employment among Participants in the Welfare to Work Voucher Program*, Journal of Planning Education and Research, at 68 (2017).

49 Nancy McGuckin *Travel to School in California:Findings of from the California-National Household Travel Survey*," at 12, (2013).

50 *Id.* at 10.

51 *Id.* at 9. According to the study, children from higher-income families who lived within two miles of school were more likely to arrive at school in a private vehicle than children from lower income families. But even amongst lower-income families (making less than $25,000 per year), more than 36% of all students arrived by private vehicle. Id. at 21.

52 ICF International, *Evaluation of the National Ways to Work Program*, at iv, (2011).

53 Pieter Gautier & Yves Zenou, *Car Ownership and the Labor Market of Ethnic Minorities*, 67Journal of Urban Economics 393(2009).

54 U.S. Department of Transportation, *Mobility Challenges for Households in Poverty*, National Household Travel Survey, at 3, (2014).

55 Fang Zhao & Thomas Gustafson, *Transportation Needs of Disadvantaged Populations: Where, When, and How?* (FTA Report No. 0030), at 14 (2013).

56 *Id.* at 17.

57 The Section 8 Voucher, or "Housing Choice Voucher Program" provides rental assistance to tenants. A tenant seeks out a private landlord that is willing to accept the voucher, and then the tenant pays roughly 30% of their income in rent, and the Voucher covers the remainder of the rent. Evelyn Blumenberg, Gregory Pierce, Michael Smart, Casey Dawkins, Jae Sik Jeon, Eli Knaap, Rolf Pendall, Christopher Hayes, Arthur George & Zach McDade D*riving to Opportunity: Understanding the Links Among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients, The Urban Institute*, 4 (2014).

58 *Id.* at 22.

59 *Id.* at 23-24.

60 *Id.* at 56.

61 Los Angeles County Homeless Services Authority, *2018 Greater Los Angeles Homeless Count Presentation*, 13 (2018).

62 Los Angeles County Homeless Services Authority, *2018 Greater Los Angeles Homeless County-Data Summary-Vehicles, Tents, and Makeshift Shelters by Geographic Area*, 2 (2018).

63 Jane Carlen, Patrick Burns, & Daniel Flaming, *Escape Routes: Meta-Analysis of Homelessness in LA*, Economic Roundtable, 5 (2018).

64 *Id.*

65 *Id.*

66 Cal. Veh. Code § 22651(i)(1).

67 Cal. Veh. Code § 22651(o)(1)(A).

68 Cal. Veh. Code § 22651(o)(3)(A).

69 Cal. Veh. Code § 22651(k).

70 See Chapter V.

71 The "Flow of Traffic" category refers to vehicles towed based on a parking violation that obstructs the flow of traffic, impedes commercial activity or construction, and/or endangers public safety. Appendix C offers a methodology for this analysis and a detailed explanation of each of the categories used in this analysis.

72 Josh Slowiczek, *The East Bay's Tow Hustle*, East Bay Express, Nov. 14, 2018, https://www.eastbayexpress.com/oakland/the-east-bays-tow-hustle/Content?oid=22699510&storyPage=3.

73 Lawyers' Committee for Civil Rights *et al., Paying More for Being Poor: Bias and Disparity in California's Traffic Court System 7-8* (2017), https://www.lccr.com/wp-content/uploads/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf.

74 *Id.*

75 *Id.* at 21-22; Beth A. Colgan, *Graduating Economic Sanctions According to Ability to Pay*, 103 Iowa L. Rev. 53 (2017).

76 Cal. Veh. Code § 4760.

77 *Id.*

78 Cal. Veh. Code §§ 2810(e), 2814.2(c).

79 Cal. Gov. Code §§ 12419.2-3, 12419.5, 12419.7-12; Cal. Dep't of Gen. Serv., State Administrative Manual § 8790 (2011), available at https://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/sam_master_file/chap8700/8790.pdf; https://www.ftb.ca.gov/individuals/Interagency_Intercept_Collections/index.shtml.

80 Cal. Veh. Code § 40220.

81 *Id.*

82 *Timbs v. Indiana*, No. 17-1091, 2019 WL 691578, at *4 (U.S. Feb. 20, 2019).

83 *Id.* at *5.

84 *See* e.g., Lawyers' Committee for Civil Rights of the San Francisco Bay Area *et al., Paying More for Being Poor: Bias and Disparity in California's Traffic Court System* (2017); Back on the Road California Coalition, *Stopped, Fined, and Arrested: Racial Bias in Policing and Traffic Courts in California* (2016); Lawyers' Committee for Civil Rights of the San Francisco Bay Area *et al., Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California* (2015). The Fines and Fees Justice Center maintains an online library of information about efforts to reform fines and fees in the legal system. See Fines and Fees Justice Center, https://finesandfeesjusticecenter.org/ (last visited March 12, 2019).

85 Josh Slowiczek, *The East Bay's Tow Hustle*, East Bay Express, Nov. 14, 2018, https://www.eastbayexpress.com/oakland/the-east-bays-tow-hustle/Content?oid=22699510 (last accessed Mar. 8, 2019).

86 *See* e.g., Farida Jhabvala Romero, *In Menlo Park, Many Lose Cars After Driving with Suspended License*, KQED News, Aug. 5, 2015, https://www.kqed.org/news/10566848/in-menlo-park-many-lose-cars-after-driving-with-suspended-license (last accessed Mar. 8, 2019).

87 *See* Healthy Streets Operation Center, Presentation to San Francisco Board of Supervisors Public Safety and Neighborhood Services Committee at 20 (paginated 39 in presentation series), Feb. 28, 2019, https://sfgov.legistar.com/View.ashx?M=F&ID=7066052&GUID=B497EA11-AEE1-4CF4-AF2C-3F2CAF114F99 ("HSOC resolved 3 vehicular encampments since Nov. 2018."); *see also* https://www.sfmta.com/blog/san-francisco-parking-tips-72-hour-rule ("Enforcement of the 72-hour rule is driven by complaints.").

88 *See* e.g., Kevin Fagan, *SF family's RV was their home. Then it got towed*, San Francisco Chronicle, Aug. 11, 2017, https://www.sfchronicle.com/bayarea/article/SF-family-s-RV-was-their-home-Then-it-got-11749152.php (last accessed Mar. 12, 2019).

89 Lawyers' Committee for Civil Rights *et al., Paying More for Being Poor: Bias and Disparity in California's Traffic Court System* (2017), https://www.lccr.com/wp-content/uploads/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf; Joel Rubin & Ben Poston, "L.A. County deputies stopped thousands of innocent Latinos on the 5 Freeway in hopes of their next drug bust," Los Angeles Times, Oct. 4, 2018, https://www.latimes.com/local/lanow/la-me-sheriff-latino-drug-stops-grapevine-20181004-htmlstory.html (last accessed Mar. 12, 2019).

90 Steven Raphael & Michael A. Stoll, *Can Boosting Minority Car-Ownership Rates Narrow Inter-Racial Employment Gaps?*, Brookings-Wharton Papers on Urban Affairs: 2001 at 99, 101. Research shows that Latinx households are more than twice as likely as white households not to have access to a car; African-American households are over four times as likely not to have car access.

91 Pieter A. Gautier & Yves Zenou, *Car ownership and the labor market of ethnic minorities*, 67 J. Urb. Econ. 392, 393 (2009).

92 *See* Metro Customer Survey Results (2012), http://media.metro.net/projects_studies/research/images/infographics/metro_infographic_02.pdf; see also Improving *Los Angeles Public Transportation is a Civil Rights Issue*, Pacific Standard, Jan. 26, 2017, https://psmag.com/news/improving-los-angeles-public-transportation-is-a-civil-rights-issue (last accessed Mar. 12, 2019).

93 *See, e.g.*, Paul Ong, *Car Ownership and Welfare-to-Work*, UC Berkeley: University of California Transportation Center at 5 (2001), https://escholarship.org/uc/item/81v246mr (citing research that many employers avoid recruiting in low-income, minority communities).

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95 *Id*.

96 *Id*.

97 Amy Larson, King City Must Pay $1.2 Million for Police Car Towing Scheme, KSBW8 News, Feb. 22, 2016, https://www.ksbw.com/article/king-city-must-pay-1-2-million-for-police-car-towing-scheme/1296534.

98 Michael B. Sauter, *Faces of Poverty: What Racial, Social Groups Are More Likely to Experience It?*, USA Today, Oct. 10, 2018, https://www.usatoday.com/story/money/economy/2018/10/10/faces-poverty-social-racial-factors/37977173/.

99 Hans Johnson & Sergio Sanchez, *Immigrants in California*, Public Policy Institute of California (May 2018) https://www.ppic.org/publication/immigrants-in-california/.

100 Sauter, *Faces of Poverty*, https://www.usatoday.com/story/money/economy/2018/10/10/faces-poverty-social-racial-factors/37977173/.

101 Rolf Pendall, Evelyn Blumenberg, & Casey Dawkins (2016) *What if Cities Combined Car-Based Solutions with Transit to Improve Access to Opportunity?*, p. 5; William Clark & Wenfei Wang (2010) *The Automobile, Immigrants, and Poverty: Implications for Immigrant Earnings and Job Access*, Urban Geography 31, p. 532. The wages of a Hispanic household with car access is almost 50% higher than those of a household without a car, and if African-American car ownership rates were equivalent to white household ownership rates, the disparity in racialemployment rates would decrease by forty-three percent.

102 *Clement v. City of Glendale*, 518 F.3d 1090 (9th Cir. 2008); *United States v. Hawkins*, 249 F.3d 867 (9th Cir. 2001); *see also Brewster v. Beck*, 859 F.3d 1194 (9th Cir. 2017); *Miranda v. City of Cornelius*, 429 F.3d 858 (9th Cir. 2005); *United States v. Duguay*, 93F.3d 346 (7th Cir. 1996).

103 *Minnesota v. Dickerson*, 508 U.S. 366, 372 (1993) (Warrantless seizures are "per se unreasonable" subject only to a few "specifically established and well delineated exceptions.").

104 *United States v. Hawkins*, 249 F.3d 867, 872 (9th Cir. 2001) ("The burden is on the Government to persuade the district court that a seizure comes "under one of a few specifically established exceptions to the warrant requirement.").

105 Cal. Veh. Code § 22650(b) (effective Jan. 1, 2019).

106 *Id*.

107 "It is not clear… that Defendants can justify the seizure and retention of a vehicle if its owner cannot afford the parking tickets levied upon the vehicle solely on the basis offered here, that the seizure is reasonable in an effort to secure repayment of the debt owed. *See, e.g., Bearden v. Georgia*, 461 U.S. 660, 667 (1983) (the court must take into account the indigent's ability to pay to determine appropriate and adequate penalty. Accordingly, the court finds that serious questions remain." Order Granting Motion for Preliminary Injunction at 5-6, Smith v. Reiskin, No. C18-01239 JSW (N.D. Cal. Oct. 10, 2018).

108 U.S. Const. amend. XIV, § 1.

109 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

110 *Clement v. City of Glendale*, 518 F.3d 1090, 1094 (9th Cir. 2008); *Scofield v. City of Hillsborough*, 862 F.2d 759, 762 (9th Cir. 1988) ("The uninterrupted use of one's vehicle is a significant and substantial private interest. As we noted…, "[a] person's ability to make a living and his access to both the necessities and amenities of life may depend upon the availability of an automobile when needed.")

111 *See Clement*, 518 F.3d at 1093; *Stypmann v. City & Cty. of San Francisco*, 557 F.2d 1338, 1343 (9th Cir. 1977).

112 *Clement*, 518 F.3d at 1093-94.

113 *Timbs v. Indiana*, No. 17-1091, 2019 WL 691578 (U.S. Feb. 20, 2019).

114 U.S. Const. amend. VIII.

115 *Timbs*, 2019 WL 691578 at *3-4.

116 *Bearden v. Georgia*, 461 U.S. 660, 668 (1983); *see* also *People v. Dueña*s, 30 Cal. App. 5th 1157, 1168 (Ct. App. 2019) ("[I]mposing these assessments upon indigent defendants without a determination that they have the present ability to pay violates due process under both the United States Constitution and the California Constitution."); In re Humphrey, 19 Cal. App. 5th 1006, 1026 (Ct. App. 2018); *Doe v. Angelina Cty.*, Texas, 733 F. Supp. 245, 25254 (E.D. Tex. 1990).

117 *Dueñas*, 30 Cal. App. 5th at 1167.

118 *Id*. at 1164.

119 Cal. Civ. Code § 3072; Cal. Veh. Code § 22851.4.

120 Cal. Civ. Code § 3072.

121 *Id*.

122 *Id*. Tow companies do not need to get a court judgment to overcome an opposition if the company is unable to serve the person opposing the sale at the address they listed on the opposition form.

123 *Id*.

124 *Id*.

125 *Id*.

126 Cal. Veh. Code §§ 22851.8, 22851.10.

127 *Id*.

128 Cal. Civ. Code § 3071; Cal. Veh. Code § 22851.4.

129 Cal. Civ. Code § 3071.

130 *Id*.

131 *Id*.

132 *Id*.

133 *Id*.

134 Cal. Gov. Code §§ 6250-70.

135 The LAPD's refusal to produce towing data has been the subject of a number of legal actions. In January 2019, the Court of Appeal agreed the LAPD did not have to disclose Official Police Garage data. *Anderson-Barker v. Superior Court*, (2019) 31 Cal.App.5th 528. As of the date of publication, the California Supreme Court is considering whether to grant review of the Court of Appeal decision.

136 For example, on February 13, 2019, a contributor spoke to Lieutenant Agnoletto of the Riverside County Sheriff's Department. The Lieutenant explained that his department does not track the outcome of every vehicle, which is why that column was blank for some of the tows – as opposed to listing "sold" or "released." He nevertheless confirmed that the subset of the data with a listed outcome would be a fair cross section of their tows. The blank tows were omitted from the Riverside County lien sale analysis

137 The missing reports were provided after the completion of the data collection phase of this report, and are therefore could not be included in the analysis for this report.

138 In order to be more precise, we applied this approach both for the "Total Government Impounds" column in the OPG reports *and* for the LAPD and LADOT impounds columns. When the Report discusses vehicles towed by the City of Los Angeles, we are referring *only* to the LAPD and LADOT impounds.

139 2018 is the only year for which DMV vehicle registration counts were available as of the date accessed on Feb 19, 2019. DMV registrations accessed at: https://www.dmv.ca.gov/portal/dmv/detail/pubs/media_center/statistics. Zip code to city mapping accessed at: https://www.zipcodestogo.com/California/.

140 Note that the average towing rate calculated here seeks to estimate the average towing rate across all cities in California, using the data we have on 8 cities.

141 The assumptions needed to construct these confidence intervals are unlikely to be met in practice since (i) cities likely differ significantly in their towing policies, and (ii) our sample was not randomly selected. As a result, the exhibits also include estimates of the number of tows across the state in 2018 by applying each of the eight cities' tow rates to the number of registered vehicles. So for example, if one thinks that San Diego is a good statewide proxy, we would apply its towing rate to the total number of registered vehicles, yielding an estimated 633,593 tows in California in 2018.

142 Wayne W. Daniel. Biostatistics: A Foundation for Analysis In the Health Sciences. 6th ed. New York: Wiley & Sons, 1995, p. 158-160.